

In the Matter of

Case No.: 1:22-cv-1032 (PKC) (JRC)

IME WATCHDOG, INC.

v.

GELARDI, et al.

Examination of Safa Abdulrahim Gelardi

Thursday, February 2, 2023



**The Little
Reporting
Company**

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www.littlereporting.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
Case No.: 1:22-cv-1032 (PKC) (JRC)

-----X

IME WATCHDOG, INC.,

Plaintiff,

-against-

SAFA ABDULRAHIM GELARDI, VITO GELARDI,
GREGORY ELEFTERAKIS, ROMAN POLLAK,
ANTHONY BRIDDA, NICHOLAS ELEFTERAKIS,
NICHOLAS LIAKIS, and IME COMPANIONS LLC,

Defendants.

-----X

3000 Marcus Avenue
Lake Success, New York
February 2, 2023
10:30 a.m.

Video Examination before Trial of DEFENDANT,
SAFA ABDULRAHIM GELARDI, held pursuant to
Notice, held at the above-mentioned time and
place, before Ruthayn Shalom, a Notary Public
of the State of New York.

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ALSO PRESENT:

Carlos Roa
Vito Gelardi
Rich Morales, Videographer

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2 IT IS HEREBY STIPULATED AND AGREED, by
3 and between the attorneys for the respective
4 parties hereto, that this examination may be
5 sworn to before any Notary Public.

6
7 IT IS FURTHER STIPULATED AND AGREED that
8 the sealing and filing of the said examination
9 shall be waived.

10
11 IT IS FURTHER STIPULATED AND AGREED that
12 all objections to questions except as to form
13 shall be reserved for trial.

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S A F A A B D U L R A H I M G E L A R D I,

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a Defendant, having been first duly sworn by

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Ruthayn Shalom, a Notary Public of the State of

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New York, and stating her address as 148

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Claypit Road, Staten Island, New York 10309,

7

10309, was examined and testified as follows:

8 10:30:16

MR. KATAEV: We are on the record. We are

9 10:30:18

here for the deposition of Safa Gelardi and we

10 10:30:21

have a initial dispute that's preventing us

11 10:30:24

from beginning the deposition. It is

12 10:30:26

Plaintiff's position --

13 10:31:09

THE VIDEOGRAPHER: We are on the record.

14 10:31:11

Time is approximately 10:31 a.m. Today is

15 10:31:14

February 2nd, 2023. This is the video

16 10:31:18

deposition of Safa Abdulrahim Gelardi in the

17 10:31:21

Matter of IME Watchdog, Inc. versus Safa

18 10:31:31

Abdulrahim Gelardi et al.

19 10:31:35

My name is Richard Morales, legal

20 10:31:37

videographer on behalf of Little Reporting.

21 10:31:41

Today we are at the office of Milman Labuda

22 10:31:43

located at 3000 Marcus Avenue, Suite 3WE,

23 10:31:49

Lake Success, New York 11042.

24 10:31:53

Will counsel please introduce yourselves.

25 10:31:56

MR. KATAEV: Good morning. My name is

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2 10:31:58 Emanuel Kataev of Milman Labuda Law Group, PLLC

3 10:31:58 for the Plaintiff.

4 10:32:02 MR. WARNER: For the Defendant and

5 10:32:02 Deponent, Safa Gelardi. It's Jonathan Warner

6 10:32:05 of Warner & Scheuerman.

7 10:32:06 THE VIDEOGRAPHER: The court reporter is

8 10:32:09 Ruthayn Shalom with Little Reporting. Will you

9 10:32:12 please swear in the witness.

10 10:32:15 (Whereupon, the witness was sworn in by the court

11 10:32:15 reporter.)

12 10:32:15 THE VIDEOGRAPHER: You may now proceed.

13 10:32:15 MR. KATAEV: Good morning, Mr. Projansky.

14 10:32:26 For the record, we are on the line with

15 10:32:28 Magistrate Judge Cho's law clerk about a

16 10:32:28 deposition dispute that's preventing the

17 10:32:28 parties from starting the deposition.

18 10:32:30 To outline the nature of the dispute, we

19 10:32:38 noticed the videotaped deposition of the

20 10:32:39 witness. We are here in a conference room

21 10:32:44 altogether for an in-person deposition, the

22 10:32:44 videographer is here and the witness has

23 10:32:46 appeared with a hat on covering her eyes.

24 10:32:49 THE WITNESS: I can remove my hat.

25 10:32:52 MR. KATAEV: And a mask on covering her

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10:32:53 mouth preventing the parties from being able to
10:32:53 observe the witness's demeanor. We've asked
10:32:58 the witness by and through counsel to remove
10:33:00 the mask and she has refused to do so, however,
10:33:04 approximately a week and a half ago there was
10:33:05 an event with the New York State Trial Lawyers
10:33:07 Association wherein approximately 600 attorneys
10:33:12 were present and this witness in particular was
10:33:15 there without a mask on and we submit that this
10:33:18 is an attempt by the witness to hide her
10:33:22 demeanor and prevent the parties to observe her
10:33:24 demeanor during the deposition.

10:33:25 We ask for a court order that requires her
10:33:28 to remove the mask and we are prepared if there
10:33:31 are any health concerns to either separate her
10:33:32 in a different room or distance her further in
10:33:34 the room she's currently in. That's the nature
10:33:38 of the dispute.

10:33:45 MR. PROJANSKY: Have you discussed
10:33:46 alternatives like moving the witness to a
10:33:50 different room?

10:33:51 MR. WARNER: No, those have not been
10:33:55 discussed nor was a discussion ever raised
10:33:55 about removing her hat, which she just did.

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2 10:33:57 She has a mask on, she doesn't feel well, and
3 10:34:00 in lieu of calling and trying to cancel the
4 10:34:05 deposition, she's wearing a mask.

5 10:34:10 MR. PROJANSKY: Mr. Kataev, is that
6 10:34:12 possible to provide another room to the
7 10:34:14 witness?

8 10:34:14 MR. KATAEV: We would have to determine
9 10:34:16 the logistics, it's not something that would be
10 10:34:17 easy to do, it would probably kill a whole
11 10:34:20 hour. We are looking to begin the deposition
12 10:34:23 and finish. To the extent she is not feeling
13 10:34:23 well, the only health concern is to everyone
14 10:34:23 else and everyone else is fine with accepting
15 10:34:23 the health concern. She doesn't suffer from
16 10:34:23 any health concern by removing the mask because
17 10:34:23 no one else here is sick.

18 10:34:23 MR. PROJANSKY: I think it would be
19 10:34:40 preferable if the parties could come up with a
20 10:34:42 solution that would satisfy the witness's
21 10:34:45 health concerns without having Judge Cho having
22 10:34:51 to rule about someone wearing a mask.

23 10:34:54 MR. KATAEV: The way we view it, this
24 10:34:55 deposition is similar to a court proceeding.
25 10:34:57 If Judge Cho had this witness on the witness

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2 10:35:01 stand, Judge Cho would want this individual not
3 10:35:05 to wear a mask.

4 10:35:05 The record in this case is very
5 10:35:08 substantial about the lack of candor and other
6 10:35:12 issues concerning the truthfulness of the
7 10:35:14 witness. It's extremely important in this case
8 10:35:15 where there has been a demonstrated record of
9 10:35:17 lack of candor that we be able to observe the
10 10:35:22 demeanor of the witness.

11 10:35:22 MR. PROJANSKY: Right, but can you observe
12 10:35:27 the demeanor of the witness in a different
13 10:35:29 room?

14 10:35:30 MR. KATAEV: It's not something we could
15 10:35:31 do with spending over an hour setting it up.
16 10:35:32 We don't want to engage in that process
17 10:35:38 unnecessarily, it would be very burdensome.
18 10:35:41 The only room equipped with technology is the
19 10:35:43 conference room that we are in now where you
20 10:35:43 joined us on.

21 10:35:44 MR. PROJANSKY: Let me have Judge Cho call
22 10:35:52 you back in maybe about ten minutes.

23 10:35:56 MR. KATAEV: We are going to remain on
24 10:35:57 this line and we are also remaining in the
25 10:36:00 virtual meeting.

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2 10:36:02 MR. PROJANSKY: Sounds good. Thank you.

3 10:36:17 THE VIDEOGRAPHER: The time is 10:36 a.m.

4 10:36:19 We are going off the record.

5 15:20:05 (Whereupon, an off-the-record discussion was held.)

6 10:49:13 THE VIDEOGRAPHER: The time is 10:49 a.m.

7 10:49:20 We're back on the record.

8 10:49:24 MR. KATAEV: Good morning, Judge Cho.

9 10:49:28 JUDGE CHO: Good morning. Who is on for

10 10:49:28 plaintiff?

11 10:49:28 MR. KATAEV: Emanuel Kataev of Milman

12 10:49:28 Labuda Law Group, PLLC. I'm here with Jamie

13 10:49:33 Felsen as well.

14 10:49:36 JUDGE CHO: Who is representing the

15 10:49:39 deponent?

16 10:49:40 MR. WARNER: Jonathan Warner, Your Honor,

17 10:49:40 of Warner & Scheuerman.

18 10:49:41 JUDGE CHO: To confirm, you're deposing

19 10:49:47 Safa Gelardi?

20 10:49:49 MR. KATAEV: That's correct.

21 10:49:49 MR. WARNER: That's correct.

22 10:49:51 JUDGE CHO: Are we on the record with your

23 10:49:55 court reporter?

24 10:49:56 MR. KATAEV: Yes.

25 10:49:57 JUDGE CHO: Is the witness in the room

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2 10:49:59 right now or no?

3 10:50:02 MR. KATAEV: She is.

4 10:50:03 MR. WARNER: She is.

5 10:50:14 JUDGE CHO: Why don't you send her

6 10:50:17 outside.

7 10:50:18 MR. KATAEV: She's currently leaving the

8 10:50:22 room. All right, Judge, we're ready.

9 10:50:23 JUDGE CHO: All right, my law clerk

10 10:50:23 called, you guys, so he gave me a heads up as

11 10:50:27 to what the issue is. Is the only issue

12 10:50:29 whether she takes her mask off or not,

13 10:50:30 Mr. Kataev, is that the only issue?

14 10:50:35 MR. KATAEV: That's correct. She took her

15 10:50:36 hat off already.

16 10:50:38 JUDGE CHO: Okay. Who wants the mask

17 10:50:40 removed, you, Mr. Kataev?

18 10:50:42 MR. KATAEV: Yes. The Plaintiff wants the

19 10:50:43 mask removed. We have a videotaped deposition

20 10:50:46 that we noticed. She knew it was going to be

21 10:50:46 videotaped. Her basis for keeping the mask on

22 10:50:50 is she's not feeling well. We are all

23 10:50:53 accepting the risk that we may get sick with

24 10:50:56 something.

25 10:50:56 And then further, a week and a half ago,

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2 10:50:58 she was at the New York State Trial Lawyers

3 10:51:00 Association event with over 600 attorneys, no

4 10:51:03 mask on, in close proximity to hundreds of

5 10:51:06 people not -- clearly not showing the same

6 10:51:09 concern.

7 10:51:10 We submit that this is an attempt to hide

8 10:51:13 her demeanor and we respectfully refer the

9 10:51:15 Court to the April 4, 2022 Show Cause Hearing

10 10:51:17 transcript and Judge Chen's subsequent order

11 10:51:21 finding that this witness in particular did not

12 10:51:25 testify with candor and had a pension for not

13 10:51:28 telling the truth. It's crucial for us to be

14 10:51:30 able to observe her demeanor in this case.

15 10:51:33 JUDGE CHO: Mr. Warner, do you want to be

16 10:51:34 heard?

17 10:51:35 MR. WARNER: Yes, I do. I don't think

18 10:51:36 demeanor has anything to do with it. The woman

19 10:51:39 is uncomfortable, she's not feeling well, we

20 10:51:41 didn't try and bust the deposition but she

21 10:51:45 feels much more comfortable with a mask on.

22 10:51:48 Her eyes are perfectly visible to the

23 10:51:49 videographer as is her testimony. I don't see

24 10:51:53 why she should be forced to take a deposition

25 10:51:55 under the present circumstances where, in

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excess of 450 people a day are dying without a

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mask on.

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Whether Mr. Kataev is comfortable or not

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with her being ill is not the issue here.

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MR. KATAEV: I would just rebut with --

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JUDGE CHO: Hold on. I'm sorry. Go

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ahead, Mr. Warner, anything else?

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MR. WARNER: No, that's all, Your Honor.

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JUDGE CHO: Mr. Kataev, would you rather

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do this by Zoom instead?

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MR. KATAEV: No, Your Honor, we have a

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videographer here.

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10:52:28

JUDGE CHO: I understand that. One way to

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address this issue is if we get her remotely

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where she's in another room completely, you can

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do it by Zoom, she can take her mask off and

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then she's not close to anyone. That's an

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alternative. Is that something you would

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consider?

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MR. KATAEV: We wouldn't be able to do

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that, Your Honor, without busting today's

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deposition and starting all over because it

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would take us hours to get that kind of setup,

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and also the court reporter herself, the reason

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why this issue came up in the first place is

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the court reporter herself asked her to take

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the mask off so she could properly do her job.

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That's the reason we are doing all this,

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we want a good record. We have over 19,000

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documents so if she's in a separate room and we

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want to show her 70 exhibits, it's going to

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make it a logistical nightmare to make this

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happen.

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JUDGE CHO: Okay. Understood. Do you

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have a mask that's one of those shield type

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masks, Mr. Kataev?

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MR. KATAEV: No, I don't believe we do.

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10:53:34

JUDGE CHO: Mr. Warner, I assume you don't

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10:53:34

have one of those masks with you, do you?

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10:53:37

MR. WARNER: No, I don't, Your Honor.

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10:53:41

JUDGE CHO: Would she feel comfortable,

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10:53:43

Mr. Warner, wearing one of those types of

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10:53:46

masks, do you know, a face shield?

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MR. WARNER: Yes, I assume she would.

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JUDGE CHO: Is the issue, Mr. Warner, of

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10:53:55

her getting sick or of her getting all of you

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sick?

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MR. WARNER: I think it's both. I think

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the mask protects her to the extent that she

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might not be doing well right now, but it also

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affects everyone else in the room as well.

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MR. SHALIT: Could I be heard, Your Honor?

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10:54:11

This is Leo Shalit, counsel for Carlos Roa. I

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10:54:14

would like to the note that the mask the

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witness is wearing is a flimsy mask. It's not

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10:54:19

a KN95, it's a basic cloth mask that doesn't

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have any type medical clearance or use and I

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would like to add that to the record.

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JUDGE CHO: Okay. Is it one of those

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medical blue masks that everyone else is

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wearing?

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MR. WARNER: No, actually. It's a dark --

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I'm not so sure it's not a KN95.

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10:54:42

MR. SHALIT: It's a cloth mask.

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10:54:42

JUDGE CHO: Is anyone else wearing a mask

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in the room?

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10:54:46

MR. KATAEV: No.

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10:54:46

MR. WARNER: At this point, no.

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JUDGE CHO: Other than the videographer

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10:54:50

and the three attorneys, is there anyone else

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in the room with you?

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MR. KATAEV: We have one, two, three,

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four, five, six, seven, eight, nine, ten people

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including the witness in the room.

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10:55:00

JUDGE CHO: Okay. Is it a pretty sizable

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10:55:02

conference room, can all of you social distance

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10:55:05

or not really?

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10:55:06

MR. WARNER: No. We can't social

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distance. It's a small conference room.

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10:55:11

MR. KATAEV: It's a large enough

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conference room to fit 14 people. We are

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10:55:17

comfortable stepping back from our desks.

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10:55:19

JUDGE CHO: How about this -- I guess the

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question is, Mr. Warner, do you have -- if this

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case were to go to trial, are you confident

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that your client would show up for trial? Do

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10:55:36

you have any reason to believe that she

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10:55:36

wouldn't?

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10:55:38

MR. WARNER: Of course she would. She

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10:55:40

would definitely show up for trial.

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10:55:43

JUDGE CHO: Because the dilemma is, let's

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say, she's not available for whatever reason

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and the Plaintiffs need to rely on her video

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deposition, the jury would, I'm sure, like to

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10:55:54

see her without a mask on. Do you understand

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that?

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2 10:55:57 MR. WARNER: I understand that,

3 10:55:58 Your Honor, but my client with be showing up

4 10:56:03 for trial. If she doesn't show up for trial,

5 10:56:06 there will be a default entered against her.

6 10:56:10 Unless she's dead.

7 10:56:12 JUDGE CHO: Right, that's what I'm saying.

8 10:56:14 If the witness is unavailable, the best

9 10:56:14 evidence would be this video deposition, right?

10 10:56:19 As you sit here now, you have no reason to

11 10:56:24 believe she wouldn't be present for trial,

12 10:56:27 correct?

13 10:56:28 MR. WARNER: Absolutely none.

14 10:56:29 MR. KATAEV: Your Honor, just to push back

15 10:56:29 on that, even if she were available for trial,

16 10:56:33 this video testimony would be used to impeach

17 10:56:35 any of her testimony at trial and it would be

18 10:56:39 difficult to make that argument if she's

19 10:56:42 wearing a mask because the jury would not be

20 10:56:45 able to observe her demeanor.

21 10:56:48 JUDGE CHO: Mr. Warner, let me ask you a

22 10:56:50 question: Would she be willing to come back

23 10:56:54 another day without her mask on?

24 10:56:56 MR. WARNER: Yes, of course. We have done

25 10:57:01 nothing other than appear.

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2 10:57:04 MR. KATAEV: Your Honor, if the Court is
3 10:57:05 inclined to rule that she should come back
4 10:57:06 another day, we have a day set aside for
5 10:57:09 tomorrow and we are prepared to do that, if the
6 10:57:11 Court rules that way. We submit that the Court
7 10:57:11 should rule respectfully that she should take
8 10:57:15 her mask off, but if the Court is not inclined
9 10:57:15 to do so, we are prepared to move forward
10 10:57:18 tomorrow.

11 10:57:20 JUDGE CHO: Well, look, I don't know
12 10:57:21 whether she is going to recover overnight if
13 10:57:23 she's sick. If the issue is, if she's sick
14 10:57:26 today and that's why she's wearing her mask,
15 10:57:29 perhaps the happy medium is for her to come
16 10:57:31 back on a day when she's not sick and she can
17 10:57:34 take her mask off.

18 10:57:34 I guess, Mr. Warner, the question for you
19 10:57:35 is: Is it your representation that at some
20 10:57:39 point in time she would be willing to appear
21 10:57:41 for a deposition without her mask; is that fair
22 10:57:43 to say?

23 10:57:44 MR. WARNER: Yes, it is fair to say. It
24 10:57:47 is fair to say and she will, although her
25 10:57:50 husband is scheduled for tomorrow. I don't see

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2 10:57:54 why we wouldn't proceed with the scheduled
3 10:57:57 witness for tomorrow because there is not
4 10:58:00 enough time for her to recover necessarily and
5 10:58:04 we could reschedule her deposition within a
6 10:58:07 very short period of time. There has been no
7 10:58:09 effort to push it back and as Your Honor is
8 10:58:11 well aware, the discovery deadline has been
9 10:58:11 extended through May 15th.

10 10:58:16 JUDGE CHO: Here is the question for you,
11 10:58:18 Mr. Kataev, I hear what you're saying. I hear
12 10:58:21 you want to do a deposition of her without her
13 10:58:24 mask on. It doesn't seem like she's prepared
14 10:58:26 to go forward today without her mask, but if
15 10:58:31 you want to continue today with her mask on,
16 10:58:33 you are entitled to do so, but you're also
17 10:58:37 entitled to have her come back for another
18 10:58:41 deposition without her mask on as well.

19 10:58:43 MR. KATAEV: May I will briefly confer
20 10:58:44 with my client, Your Honor?

21 10:58:52 JUDGE CHO: Go ahead. I have an
22 10:58:52 eleven o'clock conference.

23 10:58:57 MR. KATAEV: We are running.

24 10:59:14 Your Honor, we conferred with the client
25 10:59:16 internally and we believe the best route to go

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S. Abdulrahim Gelardi

10:59:18 is we are going to a store and get a face

10:59:18 shield that's clear and we will begin the

10:59:23 deposition today.

10:59:25 JUDGE CHO: Okay. Any objection,

10:59:27 Mr. Warner?

10:59:29 MR. WARNER: None.

10:59:29 JUDGE CHO: The deposition will proceed

10:59:31 today and she will wear a face shield.

10:59:36 MR. KATAEV: Thank you, very much,

10:59:37 Your Honor.

10:59:39 JUDGE CHO: We are adjourned.

10:59:42 THE VIDEOGRAPHER: The time is 10:59 a.m.

10:59:44 We are going off the record.

11:48:47 (Whereupon, an off-the-record discussion was held.)

11:53:23 THE VIDEOGRAPHER: The time is 11:53 a.m.

11:53:24 We are back on the record.

11:53:27 EXAMINATION BY

09:46:40 MR. KATAEV:

11:53:28 MR. KATAEV: On the record. Good morning,

11:53:46 everyone. We are back on the record after

11:53:49 resolving a deposition dispute. Plaintiff

11:53:52 reserves the right to seek additional time for

11:53:55 the deposition given we will most likely not be

11:53:56 able to complete seven hours today. Before I

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S. Abdulrahim Gelardi

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11:53:59

begin, I want to ask my esteemed counsel on the

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11:54:01

other side whether we are agreeing to the usual

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11:54:01

Federal stips?

5

11:54:04

MR. WARNER: Yes.

6

11:54:05

MR. KATAEV: For the record, that's

7

11:54:05

filing, sealing and certification is waived.

8

11:54:08

Objections, except as to form, are reserved for

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11:54:10

trial. The examination may be sworn to before

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any notary public and a copy of the transcript

11

11:54:16

will be sent to the attorney representing the

12

11:54:18

witness.

13

11:54:19

Is that correct, Mr. Warner?

14

11:54:21

MR. WARNER: That's correct.

15

11:54:21

BY MR. KATAEV:

16

11:54:21

Q Good morning. My name is Emanuel Kataev.

17

11:54:23

I'm the attorney for Plaintiff, IME Watchdog. From

18

11:54:28

here on in, I will refer to Plaintiff as Watchdog

19

11:54:33

unless otherwise stated; is that okay?

20

11:54:37

A Yes, that's fine.

21

11:54:38

Q I will also be referring to Daniella Levi,

22

11:54:40

the principal of Plaintiff as Mrs. Levi, okay?

23

11:54:43

A Okay.

24

11:54:44

Q We will also be discussing an individual

25

11:54:48

named Carlos Roa who my colleague, Leo Shalit,

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S. Abdulrahim Gelardi

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11:54:49

represents and is present today -- both of which are

3

11:54:54

present today and I will be referring to him as Roa,

4

11:54:54

okay?

5

11:54:56

A Okay.

6

11:54:57

Q As for IME Companions, LLC, a Defendant in

7

11:54:59

this case, I will be referring to that entity as

8

11:55:00

just Companions, okay?

9

11:55:04

A Okay.

10

11:55:06

Q Today I will be asking you a series of

11

11:55:07

questions related to the subject matter of this

12

11:55:09

lawsuit as well as various background information.

13

11:55:11

From time to time, your attorney may object. If he

14

11:55:14

does, you may answer unless he specifically

15

11:55:17

instructs you not to do so; do you understand that?

16

11:55:20

A Yes.

17

11:55:21

Q Have you ever been deposed before?

18

11:55:23

A Once.

19

11:55:24

Q When was that?

20

11:55:26

A I can't recall.

21

11:55:26

Q Was it more than ten years ago?

22

11:55:30

A I don't recall honestly.

23

11:55:31

Q I will go over some of the ground rules

24

11:55:33

for a deposition to make sure we have a smooth day

25

11:55:39

today and a clear record of what we are asking and

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1 S. Abdulrahim Gelardi

2 11:55:42 what you're answering today.

3 11:55:43 First, please keep your voice loud

4 11:55:44 and clear for the court reporter. Second, please

5 11:55:48 answer in words. No body gestures and no mumbling.

6 11:55:51 Third, allow me to complete my question before you

7 11:55:55 answer and I will give you the same courtesy.

8 11:55:58 Are those rules understandable for

9 11:56:00 you so far?

10 11:56:01 A Yes.

11 11:56:01 Q If you don't understand the question,

12 11:56:04 please let me know and I will rephrase. However, if

13 11:56:06 you answer, I will assume that you understood the

14 11:56:08 question; do you understand that?

15 11:56:10 A Yes.

16 11:56:16 Q We are looking for your best recollection

17 11:56:18 of events today and mostly beginning from 2017 until

18 11:56:22 the present day. While I don't want you to guess at

19 11:56:25 answers, even your memory is not crystal clear, I'm

20 11:56:25 still entitled to your best recollection.

21 11:56:29 Do you understand that?

22 11:56:30 A Understood.

23 11:56:33 Q You can take a break any time for any

24 11:56:35 reason except when there is a question pending. You

25 11:56:37 have to answer that pending question before we take

IME WATCHDOG, INC. v. GELARDI, et al.
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23

1 S. Abdulrahim Gelardi

2 11:56:40 that break, okay?

3 11:56:41 A Okay.

4 11:56:41 Q Do you understand these ground rules?

5 11:56:43 A Yes.

6 11:56:43 Q Your testimony today is subject to the
7 11:56:45 same oath and same penalty of perjury as if you were
8 11:56:46 testifying in court. Do you understand that?

9 11:56:50 A Yes.

10 11:56:50 Q Do you understand what the term perjury
11 11:56:52 means?

12 11:56:54 A Yes.

13 11:56:54 Q What does that mean to you?

14 11:56:56 A Lying under oath, correct?

15 11:57:03 Q Going back to the deposition that you
16 11:57:06 don't recall when it occurred, were you a plaintiff
17 11:57:08 or a defendant or a witness in that case?

18 11:57:15 A I don't know. It was -- it was a car
19 11:57:18 accident.

20 11:57:20 Q Okay. I want to refer your attention to
21 11:57:27 the beginning of November 2022 for the next series
22 11:57:33 of questions I have.

23 11:57:35 Have you ever retained the services
24 11:57:37 of one Steven Stanulis or a company called Silver
25 11:57:42 Shield?

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1 S. Abdulrahim Gelardi

2 11:57:42 A Yes.

3 11:57:43 Q You retained the services of that person
4 11:57:45 and that company to track the whereabouts of one
5 11:57:49 Carlos Roa, correct?

6 11:57:50 A No.

7 11:57:53 Q Why did you retain the services of that
8 11:57:56 firm and Mr. Stanulis?

9 11:58:00 A To find out whether Carlos Roa was behind
10 11:58:03 the smear campaign that was going on.

11 11:58:08 Q Part of the duties of this firm and that
12 11:58:10 individual was to track the whereabouts of Mr. Roa,
13 11:58:14 correct?

14 11:58:14 A No.

15 11:58:15 Q How do you know that?

16 11:58:16 A Because I didn't ask for that.

17 11:58:18 Q By retaining the services of that
18 11:58:39 individual, you understand that there was contact
19 11:58:43 between him and the private investigator, correct?

20 11:58:48 MR. WARNER: Objection to form.

21 11:58:48 A No.

22 11:58:53 Q Do you recall testifying at the April 4,
23 11:58:55 2022 Show Cause Hearing that we had in this case?

24 11:59:00 A Vaguely.

25 11:59:01 Q When you testified in that case, were you

IME WATCHDOG, INC. v. GELARDI, et al.
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1 S. Abdulrahim Gelardi

2 11:59:03 telling the truth?

3 11:59:05 A To the best of my knowledge.

4 11:59:09 Q You understand that it's very important to

5 11:59:11 tell the truth in this kind of proceeding because

6 11:59:12 otherwise our system of justice would not work,

7 11:59:19 correct?

8 11:59:20 MR. WARNER: Objection to form. When I

9 11:59:21 object, you can answer.

10 11:59:23 A Repeat the question.

11 11:59:24 MR. KATAEV: Read it back, please.

12 11:59:39 (Whereupon, the referred to question was read back

13 11:59:39 by the reporter.)

14 11:59:42 A Correct.

15 11:59:44 Q It would be fair to say that what you

16 11:59:47 testified to in April of 2022 was more accurate and

17 11:59:50 your memory was more fresh than it is right now in

18 11:59:53 February of 2023, correct?

19 11:59:59 A I don't understand the question.

20 12:00:05 Q In April of 2022, you testified at the

21 12:00:08 Show Cause Hearing, correct?

22 12:00:09 A Yes.

23 12:00:10 Q You testified about events that occurred

24 12:00:11 from 2017 to the present, correct?

25 12:00:15 A To the best of my knowledge.

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1 S. Abdulrahim Gelardi

2 12:00:18 Q Today you're going to testify about the

3 12:00:19 same things, correct?

4 12:00:21 A I'm assuming so.

5 12:00:23 Q My question is: Your memory was more

6 12:00:26 fresh in April of 2022 about those events than it is

7 12:00:30 now because of the passage of time, correct?

8 12:00:37 A I don't think so.

9 12:00:41 Q Going back to our questions about

10 12:00:45 Mr. Stanulis and Silver Shield, how did you go about

11 12:00:56 engaging Mr. Stanulis and Silver Shield?

12 12:01:00 A Repeat the question.

13 12:01:07 (Whereupon, the referred to question was read back

14 12:01:07 by the reporter.)

15 12:01:21 A Engaging like -- explain, please.

16 12:01:24 Q How did you go about hiring him?

17 12:01:27 A Online.

18 12:01:28 Q How did you find him?

19 12:01:30 A Online.

20 12:01:31 Q What did you do to find him online?

21 12:01:34 A I looked up P.I.

22 12:01:36 Q What was the reason you chose this

23 12:01:40 particular firm?

24 12:01:41 A No particular reason.

25 12:01:42 Q Did you choose this firm because it was

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S. Abdulrahim Gelardi

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12:01:44 closer to where you live?

3

12:01:47 A No.

4

12:01:50 Q When did you first meet with him?

5

12:01:58 A I don't recall meeting with him.

6

12:02:00 Q When did you first communicate with him?

7

12:02:05 A I don't know the exact date.

8

12:02:07 Q Did you sign a contract with him on the

9

12:02:08 same date you first spoke with him?

10

12:02:15 A I don't think I signed anything.

11

12:02:18 Q You don't recall signing any agreement

12

12:02:19 with Mr. Stanulis of Silver Shield?

13

12:02:22 A No, I don't.

14

12:02:23 MR. KATAEV: I'm going to offer to the

15

12:02:24 witness what's been previously marked as

16

12:02:28 Plaintiff's 1, providing a courtesy copy to

17

12:02:30 opposing counsel.

18

12:02:33 MR. WARNER: Thank you.

19

12:02:35 Q Take a second to review it, please.

20

12:02:38 (Plaintiff's Exhibit 1, Marked for Identification.)

21

12:02:42 (Witness perusing document.)

22

12:02:55 MR. WARNER: Listen carefully to the

23

12:02:56 question.

24

12:02:57 A What was the question?

25

12:02:58 Q Do you recognize this document?

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1 S. Abdulrahim Gelardi

2 12:03:00 A No, actually, I don't.

3 12:03:01 Q Did you see that on the front page of this
4 12:03:03 document on the first page it says your name as a
5 12:03:06 party to this agreement?

6 12:03:10 A Yes.

7 12:03:11 Q The scope of work explains that the agency
8 12:03:12 is hired to conduct an investigation specifically
9 12:03:16 explained below, correct?

10 12:03:19 MR. WARNER: Objection.

11 12:03:23 Q You can answer.

12 12:03:33 A Repeat that question.

13 12:03:59 (Whereupon, the referred to question was read back
14 12:03:59 by the reporter.)

15 12:03:59 BY MR. KATAEV:

16 12:04:00 Q It's the first sentence under, Scope of
17 12:04:05 work, if that helps.

18 12:04:05 A Okay.

19 12:04:06 Q Is that what it says?

20 12:04:08 A Yes.

21 12:04:08 Q It says in the summary that you paid for
22 12:04:12 ten hours at \$100 per hour for an investigation,
23 12:04:14 correct?

24 12:04:15 A Correct.

25 12:04:16 Q On the second page under, Rates, it says,

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1 S. Abdulrahim Gelardi

2 12:04:18 The hourly rate for surveillance is billed at \$100
3 12:04:22 per hour, correct?

4 12:04:24 A Correct.

5 12:04:24 Q You hired this private investigator to do
6 12:04:27 surveillance, correct?

7 12:04:28 A No.

8 12:04:41 Q Go all the way to the eighth page, you
9 12:04:53 will see two signatures. On the second signature,
10 12:05:01 that's your signature, correct?

11 12:05:04 A No.

12 12:05:04 Q You don't know whose signature this is?

13 12:05:08 A I did not sign this document.

14 12:05:10 Q Go to the next page, please.

15 12:05:13 A Sure.

16 12:05:13 Q This is an auto trail for an electronic
17 12:05:15 signature and it says that on November 2nd, 2022,
18 12:05:19 this document that we just reviewed was sent to
19 12:05:24 Safagelardi@gmail.com at 17:30 UTC time, which we
20 12:05:29 would have to convert to eastern time.

21 12:05:31 Do you recall receiving any email
22 12:05:34 with this document for electronic signature?

23 12:05:37 A Yes.

24 12:05:39 Q You electronically signed this document,
25 12:05:43 correct?

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1 S. Abdulrahim Gelardi

2 12:05:44 A Yes.

3 12:05:44 Q You signed it two days after you received
4 12:05:49 it, correct?

5 12:05:51 A I'm not sure.

6 12:05:53 Q If you look at the document it says that,
7 12:05:55 Signed by Safa Gelardi, next to November 4, 2022; do
8 12:06:00 you see that?

9 12:06:01 A I see it.

10 12:06:02 Q Based on what's written in this document,
11 12:06:03 do you have any reason to doubt that you signed it
12 12:06:08 on November 4, 2022?

13 12:06:10 A No.

14 12:06:12 Q Before you signed this contract, how many
15 12:06:16 times did you speak with Mr. Stanulis or any
16 12:06:19 employee of the Silver Shield Investigation Services
17 12:06:22 team?

18 12:06:32 (Whereupon, the referred to question was read back
19 12:06:33 by the reporter.)

20 12:06:49 A Once.

21 12:06:50 Q What did you say to the individual and
22 12:06:53 what did the individual say to you?

23 12:06:58 A I explained that I wanted -- I explained
24 12:07:01 what I wanted from them, that I wanted to find out
25 12:07:06 whether Carlos Roa was behind this smear campaign

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1 S. Abdulrahim Gelardi

2 12:07:08 that -- about IME Companions and myself.

3 12:07:17 Q When you engaged the services of this

4 12:07:19 firm, did you explain that you are under a temporary

5 12:07:21 restraining order and not to contact any employee of

6 12:07:25 IME Watchdog, Inc.?

7 12:07:32 A I don't believe I knew that.

8 12:07:35 Q You are aware that Mr. Roa is a current

9 12:07:38 employee of IME Watchdog, Inc., correct?

10 12:07:42 A Yes.

11 12:07:45 Q After you signed the contract, how many

12 12:07:47 times did you speak with any individual from Silver

13 12:07:51 Shield?

14 12:07:56 A Maybe twice.

15 12:07:59 Q What happened during the first

16 12:08:00 conversation after you signed the contract? What

17 12:08:02 did you say to him and what did he say to you?

18 12:08:06 A I explained to him that I wanted to find

19 12:08:08 out if Carlos Roa was behind the smear campaign that

20 12:08:14 was going on about IME Companions and myself, and he

21 12:08:18 said sure.

22 12:08:20 Q That was the first conversation before I

23 12:08:22 signed the contract, correct?

24 12:08:25 A Yes.

25 12:08:26 Q That conversation was with Mr. Stanulis,

IME WATCHDOG, INC. v. GELARDI, et al.
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1 S. Abdulrahim Gelardi

2 12:08:28 correct?

3 12:08:29 A No.

4 12:08:30 Q Who did you have that conversation with?

5 12:08:33 A I don't recall, but it was a female.

6 12:08:36 Q Do you recall the female's name?

7 12:08:37 A No.

8 12:08:39 Q What form or method did you have that

9 12:08:41 conversation?

10 12:08:43 A Phone.

11 12:08:45 Q You called the phone number or did you

12 12:08:46 receive it?

13 12:08:47 A No, I received a callback.

14 12:08:49 Q What is the phone number that you used to

15 12:08:51 contact that number? What was your phone number

16 12:08:54 that you used?

17 12:08:56 A My cellphone number, (718)749-4732.

18 12:09:02 Q Is that a cellphone or a landline?

19 12:09:05 A Cell.

20 12:09:05 Q What carrier do you use?

21 12:09:11 A AT&T. I'm not sure.

22 12:09:16 Q Is it TMobile?

23 12:09:22 A TMobile.

24 12:09:24 Q How long was that first conversation with

25 12:09:25 the female?

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1 S. Abdulrahim Gelardi

2 12:09:29 A I don't know. It was short.

3 12:09:31 Q After you signed the contract, who, if

4 12:09:34 anyone, did you speak with first about this matter?

5 12:09:43 A I don't recall.

6 12:09:46 Q Did you ever speak with a Mr. Stanulis?

7 12:09:50 A I never knew anyone's last name.

8 12:09:57 Q What do you recall about the first

9 12:09:59 conversation you had with any individual from Silver

10 12:10:01 Shield about the terms of that contract and its

11 12:10:06 goal?

12 12:10:08 MR. WARNER: I'm sorry. What was the

13 12:10:09 last?

14 12:10:10 MR. KATAEV: And its goal.

15 12:10:12 MR. WARNER: And its goal, thank you.

16 12:10:15 A I explained what I wanted. They explained

17 12:10:17 that they can definitely do it and he said someone

18 12:10:22 was going to call you. So the second time I spoke

19 12:10:25 to someone, it was a male.

20 12:10:28 Q What did he say to you and what did you

21 12:10:30 say to him?

22 12:10:31 A I said to him I need to find out if this

23 12:10:34 guy is behind the smear campaign that's going on

24 12:10:36 about me and my company.

25 12:10:36 Q What did he say in response?

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1 S. Abdulrahim Gelardi

2 12:10:39 A He said, Tell me about the smear campaign.

3 12:10:40 I said, There is false email that was created to

4 12:10:44 smear my company and it's obvious who it's coming

5 12:10:47 from, so I just wanted to find out for sure if it

6 12:10:51 was him. So I gave him the information of his name

7 12:10:57 and where he lived and that was it.

8 12:11:04 Q What was your understanding of what the

9 12:11:05 private investigator would do in order to achieve

10 12:11:09 this goal?

11 12:11:11 A The private investigator was to befriend

12 12:11:15 Mr. Roa and get him to admit that he was behind the

13 12:11:19 smear campaign.

14 12:11:20 Q What, if anything, else was he supposed to

15 12:11:22 do?

16 12:11:24 A That's it.

17 12:11:25 Q Did anyone from the private investigation

18 12:11:26 company contact you and say, We have spoken to

19 12:11:31 Mr. Roa?

20 12:11:32 A No.

21 12:11:32 Q What, if any, other updates did you get

22 12:11:35 about this investigation?

23 12:11:39 A The last update I got was I got a call

24 12:11:42 from a man named Steve. Steve stated there was a

25 12:11:46 tracker that was found. I said, I don't know what

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1 S. Abdulrahim Gelardi

2 12:11:51 you're talking about, and he said, Well, we placed a
3 12:11:54 tracker to make it economic for us, so he found it
4 12:11:59 and that was it. He said, We cannot continue with
5 12:12:06 the investigation and it was over.

6 12:12:11 Q How did you make the payment of \$1,000 to
7 12:12:14 this private investigation firm?

8 12:12:16 A With my credit card.

9 12:12:18 Q Was the payment of \$1,000 the only payment
10 12:12:23 you made?

11 12:12:24 A I don't recall. I believe so.

12 12:12:27 Q You exchanged test messages with the
13 12:12:28 private investigation team, correct?

14 12:12:39 A I'm not sure who it was.

15 12:12:41 Q You have test messages with someone from
16 12:12:43 that team, correct?

17 12:12:48 A I don't know.

18 12:12:52 Q Did you ask for your money back after they
19 12:12:54 told you they can no longer perform those services?

20 12:12:58 A I have not yet.

21 12:12:59 Q Do you plan to?

22 12:13:01 A I have not yet.

23 12:13:02 Q Other than \$1,000, did you pay anything
24 12:13:04 else?

25 12:13:05 A No, not that I recall.

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1 S. Abdulrahim Gelardi

2 12:13:07 Q I'm going ask that you preserve any

3 12:13:09 written communications via text, email or otherwise

4 12:13:13 with this private investigation team and we will

5 12:13:17 follow up in writing for their production.

6 12:13:19 (Counsel Request.)

7 12:13:19 BY MR. KATAEV:

8 12:13:57 Q Going back to April of 2017, you received

9 12:14:02 an email at some point from one Adam Rosenblatt

10 12:14:06 containing materials from IME Watchdog, correct?

11 12:14:11 A I did receive emails from Adam Rosenblatt.

12 12:14:14 I don't recall the date.

13 12:14:20 Q You previously testified that you did not

14 12:14:22 open these emails for months; do you recall that

15 12:14:25 testimony?

16 12:14:30 A I don't.

17 12:14:35 Q Is it still your testimony that any emails

18 12:14:37 that you initially received from Adam in or about

19 12:14:41 April of 2017 are emails that you did not open for

20 12:14:44 months?

21 12:14:49 A I did not read those emails for months.

22 12:15:02 Q One followup question about the private

23 12:15:04 investigator. When you were informed that they

24 12:15:09 could no longer continue with the investigation,

25 12:15:11 what specifically did they tell you as to the reason

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1 S. Abdulrahim Gelardi

2 12:15:15 why?

3 12:15:17 A No reason why. I don't recall.

4 12:15:22 Q Were you informed that Silver Shield and

5 12:15:25 Stanulis produced this contract pursuant to a

6 12:15:28 subpoena?

7 12:15:29 A No.

8 12:15:31 Q Were you informed that Silver Shield

9 12:15:34 and/or Stanulis was contacted by counsel for

10 12:15:37 Mr. Roa?

11 12:15:38 A No.

12 12:15:38 Q Were you informed that Carlos Roa knew

13 12:15:42 about the GPS device that was placed on his car?

14 12:15:49 MR. WARNER: Objection to form. You can

15 12:15:49 answer.

16 12:15:51 A Repeat it.

17 12:15:52 MR. KATAEV: Read it back, please.

18 12:15:54 (Whereupon, the referred to question was read back

19 12:15:54 by the reporter.)

20 12:16:05 A Yes.

21 12:16:08 Q Did you ask for details during that

22 12:16:11 conversation?

23 12:16:11 A I asked, What GPS device.

24 12:16:16 Q What did he say?

25 12:16:17 A He said -- he explained that they do --

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1 S. Abdulrahim Gelardi

2 12:16:21 it's a standard practice and they do place a GPS

3 12:16:27 device to make it more economical for them so that

4 12:16:34 was it.

5 12:16:35 Q Are you aware that doing that is illegal?

6 12:16:38 A No.

7 12:16:41 Q Do you have any knowledge as to whether

8 12:16:42 the private investigator has a license?

9 12:16:45 A No.

10 12:16:46 Q Did you investigate that before hiring

11 12:16:48 him?

12 12:16:48 A No.

13 12:16:49 Q Going back to the questions that we had

14 12:16:52 about when you received emails from Adam, I'm

15 12:16:56 referring to your testimony, which I will place up

16 12:17:06 on the screen.

17 12:17:52 MR. KATAEV: Let the record reflect that

18 12:17:54 we have placed documentary 46-1 bearing the

19 12:17:55 page ID 906, page 46 of the April 4, 2022 Show

20 12:18:01 Cause Hearing on the screen for everyone to be

21 12:18:04 able to read from it.

22 12:18:06 I have highlighted lines 14 through 25 for

23 12:18:11 the witness to review.

24 12:18:13 Q Please review and let me know when you're

25 12:18:15 done.

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1 S. Abdulrahim Gelardi

2 12:18:16 A Okay.

3 12:18:17 (Witness perusing document.)

4 12:18:24 A I'm done.

5 12:18:25 Q In this transcript, you testified that you

6 12:18:30 did not open the emails from Adam sent in April of

7 12:18:34 '17 for months, correct?

8 12:18:38 A That's what it says.

9 12:18:40 Q My question is: Do you stand by that

10 12:18:44 testimony today; is that true?

11 12:18:46 A I don't recall when I opened those emails.

12 12:18:54 Q Going to page 86 of the same transcript

13 12:18:57 referring you to lines three through eight, which I

14 12:19:02 have highlighted. Please review and let me know

15 12:19:05 when you're done.

16 12:19:07 (Witness perusing document.)

17 12:19:24 A Yes, okay, I'm done.

18 12:19:26 Q My question is again, you stand by that

19 12:19:28 testimony from April 4th that you did not

20 12:19:31 immediately open any emails from Adam?

21 12:19:34 A I do not recall.

22 12:19:36 Q Even after reviewing this testimony?

23 12:19:40 A Even after reviewing, I don't recall.

24 12:19:48 Q You are aware, correct, that in this case,

25 12:19:49 pursuant to an order of the court, you have

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1 S. Abdulrahim Gelardi

2 12:19:54 submitted your personal cellular phone and personal
3 12:19:58 and business computer devices for forensic imaging,
4 12:20:04 correct?

5 12:20:05 A Yes.

6 12:20:05 Q You are aware that the Plaintiff in this
7 12:20:08 case has received approximately 25,000 separate
8 12:20:14 documents with your emails, correct?

9 12:20:20 A No. I'm not aware.

10 12:20:29 Q Between the years 2017 and 2019, did you
11 12:20:34 ever look at or consult or use in any manner the
12 12:20:38 information that Adam sent you to further your
13 12:20:41 business, IME Companions?

14 12:20:42 A No.

15 12:20:51 Q During the Show Cause Hearing, we had
16 12:20:54 produced to you an exhibit containing a 2017 of
17 12:20:57 April printing of a 2016 customer list with IME
18 12:21:06 Watchdog's customers. Do you recall seeing that
19 12:21:08 exhibit at the Show Cause Hearing?

20 12:21:10 A Yes.

21 12:21:10 Q You testified then that you did not use
22 12:21:13 that list for purposes of furthering your business,
23 12:21:16 IME Companions; do you recall that testimony?

24 12:21:18 A Yes.

25 12:21:19 Q Do you stand by that testimony today?

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1 S. Abdulrahim Gelardi

2 12:21:23 A I do.

3 12:21:37 Q You also testified at the Show Cause

4 12:21:39 Hearing that you were never provided contact

5 12:21:41 information for law firms from Adam; do you recall

6 12:21:45 that?

7 12:21:45 A Yes.

8 12:21:46 Q Do you stand by that testimony today?

9 12:21:49 A I believe so. I'm not sure.

10 12:22:02 Q Based on the information produced in the

11 12:22:05 forensic analysis, are you prepared to admit today

12 12:22:08 that you did, in fact, receive emails from Adam with

13 12:22:12 the contact information of individuals at law firms?

14 12:22:17 A No.

15 12:22:18 Q You testified at the Show Cause Hearing

16 12:22:20 that you did not need Adam's help to know who to

17 12:22:24 contact at each law firm; do you remember that?

18 12:22:29 A I do.

19 12:22:30 Q Do you stand by that testimony today?

20 12:22:33 A I do.

21 12:22:38 Q You stated at the Show Cause Hearing that

22 12:22:40 you did not consult the list of clients that IME

23 12:22:44 Watchdog had in the calendar year 2016 because you

24 12:22:49 had other means of obtaining those customers; do you

25 12:22:52 recall that testimony?

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1 S. Abdulrahim Gelardi

2 12:22:56 MR. WARNER: Objection to form. Read that

3 12:22:58 to me.

4 12:22:58 (Whereupon, the referred to question was read back

5 12:22:58 by the reporter.)

6 12:23:39 MR. WARNER: Thank you, Madame Reporter.

7 12:23:40 You can answer.

8 12:23:49 A I don't recall a lot of testimony, but I'm

9 12:23:53 going to say, yes. This is -- okay.

10 12:24:04 MR. KATAEV: For the record, we've placed

11 12:24:04 up on the screen page 99 of the transcript and

12 12:24:07 I've highlighted lines six through nine.

13 12:24:11 Q I want to confirm your answer.

14 12:24:17 A I'm reading it, I see it. I'm sure I said

15 12:24:20 it, but I don't recall.

16 12:24:21 Q What were the other means that you had to

17 12:24:24 obtain clients?

18 12:24:27 A Gregory had his own list. My partner had

19 12:24:30 his own list of attorneys.

20 12:24:34 Q Do you ever discussing opening a competing

21 12:24:52 business to IME Watchdog with Adam Rosenblatt?

22 12:25:00 A He discussed with me.

23 12:25:02 Q Your testimony at the Show Cause Hearing

24 12:25:15 was that you were not rushing to open that kind of a

25 12:25:19 business right away, correct?

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1 S. Abdulrahim Gelardi

2 12:25:22 A If that's what it says.

3 12:25:24 Q Referring to page 35 of the Show Cause

4 12:25:45 Hearing, which is up on the screen, lines two to

5 12:25:49 four. You testified at the Show Cause Hearing that

6 12:25:53 you did not discuss opening a competing business

7 12:25:57 with Adam, correct?

8 12:26:07 A I had no intention of starting an IME

9 12:26:11 business. It was Adam's idea.

10 12:26:13 Q Ultimately, you did form an IME business

11 12:26:18 without Adam, correct?

12 12:26:20 A Correct.

13 12:26:25 Q When was it your -- withdrawn.

14 12:26:29 When was the first time you first

15 12:26:32 intended to open an IME observer business?

16 12:26:43 A I don't recall, but I'm going to take a

17 12:26:45 guess and say maybe late 2017.

18 12:27:00 MR. WARNER: Please don't guess. You can

19 12:27:02 tell your best recollection to Mr. Kataev, but

20 12:27:05 don't guess.

21 12:27:06 A I'm not sure.

22 12:27:14 Q Is it still your testimony that you never

23 12:27:16 requested information from Adam about IME Watchdog?

24 12:27:21 A Yes.

25 12:27:26 Q Is it testimony your today that the IME

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1 S. Abdulrahim Gelardi

2 12:27:29 observer business model did not pique your interest
3 12:27:32 when you first heard about it?

4 12:27:34 A Repeat it.

5 12:27:36 (Whereupon, the referred to question was read back
6 12:27:36 by the reporter.)

7 12:27:59 A Yes.

8 12:28:05 Q When did you first hear about this
9 12:28:06 business?

10 12:28:09 A I don't recall exactly.

11 12:28:11 Q Did you first hear about it from Adam
12 12:28:13 Rosenblatt or someone else?

13 12:28:15 A Only Adam Rosenblatt.

14 12:28:16 Q Did Ronald Rosenblatt ever discuss this
15 12:28:20 IME observer business concept?

16 12:28:25 MR. WARNER: Safa, you must let him
17 12:28:25 complete his question first.

18 12:28:26 MR. KATAEV: I'll rephrase.

19 12:28:28 A I'm sorry.

20 12:28:30 Q Did you ever discuss with Ronald
21 12:28:32 Rosenblatt the concept of an IME observer business?

22 12:28:37 A Never discussed, no.

23 12:28:40 Q Your testimony today is that the first
24 12:28:42 time you ever discussed this business model of an
25 12:28:45 IME observer business is with Adam Rosenblatt,

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1 S. Abdulrahim Gelardi

2 12:28:48 correct?

3 12:28:49 A What do you mean by discussed?

4 12:28:52 Q The concept of this kind of business.

5 12:28:54 A What does the word discussed mean?

6 12:28:57 Q In any way, shape or form; text message,

7 12:28:59 email, phonecall, in-person conversation, carrier

8 12:29:04 pigeon, whatever?

9 12:29:04 A Your question is what exactly did I

10 12:29:06 discuss?

11 12:29:07 Q Did you discuss the IME observer business

12 12:29:10 model with Ronald Rosenblatt ever?

13 12:29:15 A Does discussion mean that I spoke?

14 12:29:24 Q He said something to you about it or you

15 12:29:26 said something to him about it, either way?

16 12:29:29 A Ronald Rosenblatt mentioned the IME

17 12:29:31 business as one of his ideas, yes.

18 12:29:33 Q Did that happen before you first spoke

19 12:29:36 with Adam or after you spoke with Adam?

20 12:29:38 A It was before I spoke with Adam.

21 12:29:41 Q What did Ronald Rosenblatt say to you

22 12:29:45 about the IME observer business model?

23 12:29:47 A He mentioned he came up with a lot of

24 12:29:50 ideas and Daniella Levi stole his ideas.

25 12:29:59 Q What did you say in response?

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1 S. Abdulrahim Gelardi

2 12:30:02 A What did I say in response?

3 12:30:05 Q Yes.

4 12:30:07 A I didn't say anything.

5 12:30:10 Q How did it come to be that you spoke to

6 12:30:12 Adam about this business?

7 12:30:14 A Ronald Rosenblatt brought Adam to me and

8 12:30:18 begged me to talk to him.

9 12:30:21 Q What happened when Adam came to speak with
10 12:30:25 you with Ronald?

11 12:30:27 A I said to both of them, This is not the
12 12:30:30 time and place and I'm at work and to please not do
13 12:30:35 this at my place of work again.

14 12:30:37 Q Subsequent to that conversation, did you
15 12:30:41 speak with Ronald and/or Adam again about this
16 12:30:44 topic?

17 12:30:47 A Yes.

18 12:30:48 Q What happened during that conversation?
19 12:30:49 What did they say to you and what did you say to
20 12:30:55 them?

21 12:30:59 A I'm not sure exactly, but I can tell you
22 12:31:01 to the best of my recollection, Adam Rosenblatt -- I
23 12:31:13 don't recall.

24 12:31:20 Q Is it still your testimony today that
25 12:31:21 following that conversation this IME observer

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1 S. Abdulrahim Gelardi

2 12:31:25 business model did not pique your interest?

3 12:31:28 A It did not pique my interest right away.

4 12:31:41 Q Did Ronald Rosenblatt ever send you any

5 12:31:43 materials or information about IME Watchdog?

6 12:31:45 A Yes, I believe so.

7 12:31:53 MR. KATAEV: Let's mark this as 2 for now.

8 12:31:59 (Plaintiff's Exhibit 2, Marked for Identification.)

9 12:31:59 BY MR. KATAEV:

10 12:32:14 Q I'm handing to you what has been
11 12:32:17 previously marked as Plaintiff's Exhibit 2. I will
12 12:32:19 represent to you it's a declaration, a sworn
13 12:32:21 statement under penalty of perjury by Ronald
14 12:32:23 Rosenblatt in this case. I would like you to read
15 12:32:32 it please and let me know when you're done.

16 12:32:36 MR. KATAEV: Correction for the record,
17 12:32:37 it's an Affidavit sworn to before a notary
18 12:32:38 public.

19 12:32:39 (Witness perusing document.)

20 12:33:05 A Okay.

21 12:33:06 Q Now that you've read this affidavit which
22 12:33:09 was sworn to on July 29, 2022, is it still your
23 12:33:14 testimony that Ronald Rosenblatt told you this IME
24 12:33:15 observer business model was his idea and Daniella
25 12:33:19 stole it?

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1 S. Abdulrahim Gelardi

2 12:33:19 A Yes.

3 12:33:20 Q What you're saying effectively is that
4 12:33:23 Ronald Rosenblatt is a liar?

5 12:33:24 A Yes.

6 12:33:25 MR. WARNER: Objection to form. You can
7 12:33:26 answer.

8 12:33:26 Q Is it your belief that everyone in this
9 12:33:30 case is a liar except you?

10 12:33:37 MR. WARNER: Objection to form. You can
11 12:33:37 answer.

12 12:33:39 A I don't understand your question.

13 12:33:42 Q Are you taking the position that everyone
14 12:33:45 in this case is a liar except you?

15 12:33:49 A I'm taking the position that there are
16 12:33:52 many liars in this case and I do not believe I lied.
17 12:34:00 Ronald Rosenblatt said it was his idea from the day
18 12:34:03 I met him.

19 12:34:05 Q Even though he first met Daniella Levi in
20 12:34:08 2014, and Daniella Levi started this business in
21 12:34:11 2011?

22 12:34:14 A Not my problem. That's what he said.

23 12:34:17 Q At the time these discussions were held
24 12:34:42 with Adam and Ronald, and I'm speaking about the
25 12:34:45 initial discussions, you were already working with

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1 S. Abdulrahim Gelardi

2 12:34:48 Ronald Rosenblatt in another business venture; isn't

3 12:34:51 that true?

4 12:34:52 A Yes.

5 12:34:52 Q That business venture was Med Mal USA,

6 12:34:57 correct?

7 12:34:57 A Correct.

8 12:35:00 Q Is that still a business venture that

9 12:35:04 you're involved in?

10 12:35:05 A No.

11 12:35:06 Q When did you cease being involved in that

12 12:35:11 venture; month and year approximately?

13 12:35:18 A Approximately -- approximately maybe

14 12:35:23 September or -- maybe on or around I'm going to say

15 12:35:30 between August to October of 2017. I don't remember

16 12:35:34 exactly.

17 12:35:35 Q What led you to no longer being involved

18 12:35:41 in that business?

19 12:35:44 A Ronald Rosenblatt was difficult to reach

20 12:35:49 due to his drug problem. It could not work.

21 12:36:00 Q You testified at your Show Cause Hearing

22 12:36:02 that you were busy working in this venture with

23 12:36:05 Mr. Rosenblatt when Adam spoke to you about IME

24 12:36:08 Watchdog; do you recall that testimony?

25 12:36:11 A No, but it sounds correct.

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1 S. Abdulrahim Gelardi

2 12:36:13 Q What is it you were busy doing in that
3 12:36:16 venture at that time?

4 12:36:21 A Are you asking about Med Mal?

5 12:36:23 Q Correct.

6 12:36:25 A We were building the site, getting the
7 12:36:27 information, learning what it was, putting it
8 12:36:34 together.

9 12:36:42 MR. KATAEV: Note for the record, I've
10 12:36:42 placed up on the screen page 116 from the
11 12:36:45 transcript for the witness to review.

12 12:36:57 Q Now at the time you entered into a
13 12:37:00 business venture with Mr. Rosenblatt, he was a
14 12:37:04 customer at the bank you worked for, correct?

15 12:37:07 A Correct.

16 12:37:08 Q That's how you first met him, correct?

17 12:37:12 A Correct.

18 12:37:13 Q When did you first learn about Mr. Ronald
19 12:37:16 Rosenblatt's drug problem?

20 12:37:27 A When did I learn? I don't know.

21 12:37:30 Q Did you learn about the drug problem
22 12:37:32 before you entered into the business with him?

23 12:37:35 A I presumed.

24 12:37:37 Q What made you presume that he had a drug
25 12:37:39 problem before you entered into a business venture

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1 S. Abdulrahim Gelardi

2 12:37:44 with him?

3 12:37:45 A Just certain behaviors.

4 12:37:48 Q Can you be more specific; what did you
5 12:37:50 see?

6 12:37:51 A Excessive sweating, drooling, very hyper,
7 12:37:56 just a presumption.

8 12:38:03 Q Did you come to see or witness anything
9 12:38:08 that confirmed your suspicion that he may have a
10 12:38:11 drug problem?

11 12:38:12 A Yes.

12 12:38:13 Q What was that?

13 12:38:16 A We found him with vomit all over his
14 12:38:21 clothes and he was passed out.

15 12:38:28 Q Where did you find him?

16 12:38:30 A I don't recall. It was some place, I
17 12:38:33 think it is restaurant in Queens where he asked us
18 12:38:37 to meet him.

19 12:38:44 Q Even though you suspected that he had a
20 12:38:46 drug problem, you still went into business with him,
21 12:38:49 correct?

22 12:38:50 A Correct.

23 12:38:54 Q When you ceased working -- withdrawn.

24 12:38:56 After you ceased working with Ronald
25 12:38:58 Rosenblatt on Med Mal USA, did you and Ronald

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1 S. Abdulrahim Gelardi

2 12:39:07 Rosenblatt have any claims against each other or any
3 12:39:12 lawsuit?

4 12:39:13 A No.

5 12:39:19 Q How did you go about ending your business
6 12:39:22 relationship with Ronald Rosenblatt?

7 12:39:24 A We just stopped communicating.

8 12:39:27 Q Is it fair to say that Med Mal never took
9 12:39:30 off?

10 12:39:33 A Yes.

11 12:39:33 Q During your working relationship with
12 12:39:36 Ronald Rosenblatt, did Med Mal USA have any paying
13 12:39:40 customers?

14 12:39:41 A Yes.

15 12:39:43 Q Approximately how many customers paid for
16 12:39:45 the services that Med Mal USA offered?

17 12:39:50 A Approximately, I'm going to take an
18 12:39:55 approximate guess on maybe seven to ten.

19 12:39:59 Q What time span was that?

20 12:40:02 A A matter of weeks.

21 12:40:05 Q You continued working at the bank while
22 12:40:07 running that business with him, correct?

23 12:40:09 A Correct.

24 12:40:10 Q You only stopped working at the bank after
25 12:40:13 you launched the IME observer business, correct?

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1 S. Abdulrahim Gelardi

2 12:40:18 A Correct.

3 12:40:19 Q Did you voluntarily leave from your
4 12:40:22 employment with the bank?

5 12:40:23 A Yes, I did.

6 12:40:24 Q You were not terminated, correct?

7 12:40:26 A I was not terminated.

8 12:40:33 Q You testified at the Show Cause Hearing
9 12:40:35 that it was not important for you to know which law
10 12:40:39 firm paid full price to IME Watchdog from Adam.

11 12:40:43 Do you recall that testimony?

12 12:40:44 A Yes.

13 12:40:45 Q When you refer to paying full price, what
14 12:40:49 does that mean as opposed to what?

15 12:40:53 A As opposed to discounted prices.

16 12:40:58 Q Why wouldn't that be important for you to
17 12:40:59 know entering into that business?

18 12:41:04 A It wasn't important.

19 12:41:14 Q You also testified that you never told
20 12:41:16 prospective customer law firms that their clients
21 12:41:20 were not safe with IME Watchdog because Daniella
22 12:41:23 Levi is an attorney, correct?

23 12:41:25 A Correct.

24 12:41:27 Q You stand by that testimony today?

25 12:41:33 A I do stand by.

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1 S. Abdulrahim Gelardi

2 12:41:34 Q You also testified at the Show Cause

3 12:41:36 Hearing that you only asked Adam for one report and

4 12:41:41 only used that report for quality control.

5 12:41:44 Do you recall that testimony?

6 12:41:46 A Again, Mr. Kataev, I don't recall the

7 12:41:48 testimony, but if it's there I'm going to say yes, I

8 12:41:52 see it.

9 12:41:57 MR. KATAEV: Let the record reflect I have

10 12:41:59 placed up on the screen page 51 of the Show

11 12:42:02 Cause Hearing and I'm referring the witness to

12 12:42:05 lines one through 19.

13 12:42:09 (Witness perusing document.)

14 12:42:09 BY MR. KATAEV:

15 12:42:20 Q Take a second to review and let me know

16 12:42:21 when you're done.

17 12:42:22 A I'm done. I'm done.

18 12:42:37 Q Are you aware the forensic evidence

19 12:42:38 produced to us in this case shows that there are

20 12:42:42 routine emails from Adam to you with IME Watchdog

21 12:42:47 reports?

22 12:42:48 MR. WARNER: Objection to form.

23 12:42:49 A Yes.

24 12:42:49 Q You stand by your testimony here that you

25 12:42:52 only asked him for one and you only used it for

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1 S. Abdulrahim Gelardi

2 12:42:56 quality control?

3 12:42:57 A Yes.

4 12:42:57 Q Why would Adam send you other reports
5 12:43:00 after this?

6 12:43:01 A Ask Adam.

7 12:43:03 Q It's your testimony today that you never
8 12:43:05 copied any report made by IME Watchdog?

9 12:43:08 A Correct.

10 12:43:09 Q It's your testimony today that you created
11 12:43:11 your own marketing material and did not use any of
12 12:43:15 IME Watchdog's materials?

13 12:43:16 A Yes.

14 12:43:23 Q Do you maintain your testimony that you
15 12:43:25 did not receive any financial benefit from the
16 12:43:28 information obtained from Adam?

17 12:43:30 A Yes.

18 12:43:33 Q You still deny that you instructed Adam to
19 12:43:35 destroy any evidence after being served?

20 12:43:40 A Yes.

21 12:43:43 Q That's despite the recorded telephone
22 12:43:47 conversation --

23 12:43:47 A No one asked him to destroy anything.

24 12:43:50 Q I want to finish my question.

25 12:43:52 That's despite the recorded telephone

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1 S. Abdulrahim Gelardi

2 12:43:54 conversation produced to you and shown at the Show

3 12:43:57 Cause Hearing?

4 12:43:59 A Yes.

5 12:44:01 Q You also testified at the Show Cause

6 12:44:02 Hearing that the only information you showed to

7 12:44:06 Gregory Elefterakis, E-l-e-f-t-e-r-a-k-i-s, before

8 12:44:12 forming Companions were two IME Watchdog invoices

9 12:44:15 that you obtained from Adam. Do you still stand by

10 12:44:18 that testimony?

11 12:44:19 A Yes.

12 12:44:19 Q You did not show Mr. Elefterakis the 2016

13 12:44:23 list of customers?

14 12:44:26 A I don't believe so.

15 12:44:28 Q You're not sure one way or the other; is

16 12:44:31 that your testimony?

17 12:44:32 A I don't believe so. I don't believe

18 12:44:34 anything was of interest to me other than the fact

19 12:44:37 that he had the same name on the invoice.

20 12:44:43 Q You also testified at the Show Cause

21 12:44:44 Hearing that you made very little money from the

22 12:44:47 rental properties that you own; do you recall that

23 12:44:50 testimony?

24 12:44:50 A Yes.

25 12:44:51 Q What does very little mean?

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1 S. Abdulrahim Gelardi

2 12:44:54 A Relative to what?

3 12:44:56 Q I want an understanding of what you mean
4 12:44:58 by very little. How much is very little?

5 12:45:00 A I'm sorry, the question is not clear.

6 12:45:16 Q Referring you to pages 75 through 76 of
7 12:45:19 the Show Cause Hearing transcript placed up on the
8 12:45:22 screen. I'm going to read it into the record:

9 12:45:28 Isn't it true that you bragged to
10 12:45:30 people at IME Companions that one rental property
11 12:45:34 covers your mortgage for that property and your
12 12:45:34 home.

13 12:45:35 Answer: No.

14 12:45:36 You have a rental property located in
15 12:45:37 Lake Harmony, Pennsylvania, correct?

16 12:45:41 Answer: Correct.

17 12:45:41 You charge \$358 per night per stay at
18 12:45:42 that Lake Harmony location, correct?

19 12:45:47 Answer: Correct.

20 12:45:47 You also own a rental property in
21 12:45:48 Brooklyn, right?

22 12:45:51 Answer: No, I do not.

23 12:45:53 You and your husband also flip homes
24 12:45:54 for a profit, correct?

25 12:45:55 Answer: No, we do not.

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1 S. Abdulrahim Gelardi

2 12:46:07 Also referring to page 75 of the same

3 12:46:11 transcript earlier than what I just placed on the

4 12:46:14 record, lines 14 through 17.

5 12:46:18 Question: You and Mr. Vito Gelardi

6 12:46:20 have other sources of income from which you derive

7 12:46:22 income, correct?

8 12:46:24 Answer: No, we have some rental

9 12:46:26 properties, but very little income, Your Honor, from

10 12:46:29 anything other than IME Companions.

11 12:46:30 You see that?

12 12:46:32 A Yes.

13 12:46:32 Q When you said, Very little income, what

14 12:46:34 did you mean by that? What are the amounts that you

15 12:46:37 were referring to?

16 12:46:38 A I wasn't referring to any amount. I was

17 12:46:41 referring to very little income.

18 12:46:44 Q How much is very little income?

19 12:46:46 A Not enough to -- just not enough, very

20 12:46:50 little.

21 12:46:51 Q Not enough to support the lifestyle that

22 12:46:54 you were currently maintaining, correct?

23 12:46:56 A I don't have a lifestyle to support.

24 12:46:58 MR. WARNER: Safa, let him finish his

25 12:47:02 question, please. Listen to the question and

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1 S. Abdulrahim Gelardi

2 12:47:04 let him complete it.

3 12:47:06 BY MR. KATAEV:

4 12:47:06 Q Not enough to support the lifestyle that
5 12:47:08 you were maintaining at that time, correct?

6 12:47:11 MR. WARNER: Objection to form.

7 12:47:12 A No.

8 12:47:21 Q What percentage of your income comes from
9 12:47:22 rental property as compared to IME Companions?

10 12:47:27 A I would say approximately maybe
11 12:47:32 20 percent.

12 12:47:35 Q Is the remaining 80 percent exclusively
13 12:47:36 from Companions or is it divided further?

14 12:47:42 A Companions.

15 12:47:43 Q Other than Companions and the rental
16 12:47:46 property, you have no other source of income,
17 12:47:49 correct?

18 12:47:49 A No.

19 12:47:50 Q Does your husband, Vito Gelardi, have any
20 12:47:58 business ventures that he's involved in?

21 12:48:00 A No.

22 12:48:03 Q When did that come to be the case?

23 12:48:08 A I'm not sure.

24 12:48:10 Q Is it not true that he previously worked
25 12:48:12 in construction?

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1 S. Abdulrahim Gelardi

2 12:48:13 A He did.

3 12:48:14 Q When did he stop doing so?

4 12:48:18 A I want to say -- I don't know.

5 12:48:29 Q You don't what year?

6 12:48:33 A No.

7 12:48:34 Q Is the construction company that he worked
8 12:48:35 in a company that he owned?

9 12:48:39 A No.

10 12:48:49 Q You understand that whenever you presented
11 12:48:52 to the court and filed with the court any sworn
12 12:48:54 declaration by you, that that was under penalty of
13 12:48:57 perjury, correct?

14 12:48:59 A Yes.

15 12:49:04 Q Are you familiar or have you been advised
16 12:49:06 of the consequences for engaging in perjury?

17 12:49:09 MR. WARNER: Don't discuss. Object and
18 12:49:10 direct the witness not to answer. Do not
19 12:49:12 reveal the substance of any communication
20 12:49:15 you've had with me or any prior counsel.

21 12:49:19 MR. KATAEV: I'll rephrase the question.

22 12:49:20 BY MR. KATAEV:

23 12:49:20 Q Are you familiar with the consequences for
24 12:49:25 engaging in perjury?

25 12:49:27 A No.

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1 S. Abdulrahim Gelardi

2 12:49:33 Q You testified earlier that you've only
3 12:49:34 taken one deposition before and you don't recall
4 12:49:37 when, correct?

5 12:49:38 A Yes.

6 12:49:40 Q With respect to this deposition, how did
7 12:49:42 you prepare for it?

8 12:49:46 A I didn't.

9 12:49:47 Q Did you speak -- without revealing the
10 12:49:49 communications you had with your attorney, did you
11 12:49:51 speak with your attorney to prepare for the
12 12:49:54 deposition?

13 12:49:54 A No.

14 12:49:55 Q Did you review any documents prior to the
15 12:49:57 deposition?

16 12:49:58 A No.

17 12:50:02 Q Did you speak to anyone other than your
18 12:50:05 attorney about the deposition?

19 12:50:07 A No, not that I recall.

20 12:50:18 Q Have you reviewed the Complaint in this
21 12:50:20 case?

22 12:50:20 A No.

23 12:50:22 Q Did you ever review the First Amended
24 12:50:23 Complaint in this case?

25 12:50:25 A No.

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1 S. Abdulrahim Gelardi

2 12:50:26 Q I'm speaking in general, not just

3 12:50:28 preparation.

4 12:50:29 A I didn't.

5 12:50:33 Q Have you looked at any of the documents

6 12:50:35 produced by the forensic examiner in this case?

7 12:50:40 A Yes.

8 12:50:41 Q How did you go about viewing it?

9 12:50:43 A On my computer.

10 12:50:44 Q Did you use a program called Relativity?

11 12:50:48 A Yes.

12 12:50:49 Q When was the first time that you reviewed

13 12:50:52 documents through the Relativity program?

14 12:50:57 A When it was provided to me.

15 12:50:59 Q Do you recall when?

16 12:51:01 A No. I can take a guess, maybe a month

17 12:51:06 ago.

18 12:51:18 Q Some competency questions. There is no

19 12:51:21 reason that you can't participate in today's

20 12:51:22 deposition and provide truthful testimony, correct?

21 12:51:26 A Correct.

22 12:51:27 Q You haven't consumed any drugs, alcohol or

23 12:51:29 medications in the last 24 hours that would affect

24 12:51:31 your ability to testify truthfully?

25 12:51:34 MR. WARNER: Reread the question back

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1 S. Abdulrahim Gelardi

2 12:51:37 again?

3 12:51:37 MR. KATAEV: Sure.

4 12:51:38 (Whereupon, the referred to question was read back
5 12:51:38 by the reporter.)

6 12:51:59 A No.

7 12:52:02 Q Now, you testified that you have access to
8 12:52:05 Relativity and you did review some of the documents
9 12:52:07 produced by the forensic examiner, right?

10 12:52:10 A Yes.

11 12:52:10 Q My question is: Did you do that generally
12 12:52:13 when you had access to it or did you also do it to
13 12:52:16 prepare for today's deposition?

14 12:52:18 A Generally.

15 12:52:20 Q Prior to today's deposition in preparation
16 12:52:22 for it, you did not go on Relativity and review the
17 12:52:25 documents, correct?

18 12:52:26 A Yes.

19 12:52:27 Q Did you speak with Vito about today's
20 12:52:28 deposition?

21 12:52:29 MR. WARNER: I'm going to object and
22 12:52:31 direct her not to answer that question. That
23 12:52:33 is covered by the marital privilege.

24 12:52:36 MR. KATAEV: I'm familiar with the marital
25 12:52:37 privilege and I won't ask for content, but I

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1 S. Abdulrahim Gelardi

2 12:52:40 want to ask about whether the conversation

3 12:52:41 happened; yes or no. Would that question be

4 12:52:44 okay?

5 12:52:45 MR. WARNER: Yes, that would be

6 12:52:45 acceptable.

7 12:52:45 BY MR. KATAEV:

8 12:52:45 Q With that qualification in mind, did you

9 12:52:48 discuss today's deposition with Vito?

10 12:52:51 A Yes.

11 12:52:57 Q When you were logged onto Relativity to

12 12:53:00 review documents produced by the forensic examiner,

13 12:53:04 did you in any way save certain documents or mark

14 12:53:08 certain documents; did you go through that process?

15 12:53:14 A I believe the ones between my attorney and

16 12:53:17 myself were marked privileged.

17 12:53:20 Q During the time that you had a discussion

18 12:53:23 with Vito about today's deposition, was anyone else

19 12:53:26 present in the room?

20 12:53:30 A No.

21 12:53:37 Q When was the last time you logged onto

22 12:53:40 Relativity to review documents produced by the

23 12:53:44 forensic examiner?

24 12:53:49 A I don't recall. It was right before we

25 12:53:53 gave you guys access to it.

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1 S. Abdulrahim Gelardi

2 12:53:55 Q Understood. When was the last time you
3 12:54:01 spoke to Ronald Rosenblatt?

4 12:54:05 A I don't recall.

5 12:54:06 Q Has it been years?

6 12:54:13 A Yes, I would say that.

7 12:54:15 Q Ever since you ceased working with Ronald
8 12:54:17 Rosenblatt in or about August or September of '17,
9 12:54:21 did you have any contact with him after?

10 12:54:24 A Yes.

11 12:54:27 Q Was that in or about 2018, 2019 or some
12 12:54:32 point later?

13 12:54:33 A Some point later.

14 12:54:34 Q Do you recall whether you spoke to him in
15 12:54:36 2020 or 2021?

16 12:54:39 A Yes.

17 12:54:40 Q What did you speak with him about?

18 12:54:43 A My father was dying and I wanted to talk
19 12:54:47 to him about the Covid virus.

20 12:54:50 Q That was the only thing you two discussed?

21 12:54:54 A Yes.

22 12:54:54 Q I hope your father is well.

23 12:54:56 A He passed. Thank you.

24 12:54:58 Q I'm sorry.

25 12:55:04 Your name is placed on the caption as

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1 S. Abdulrahim Gelardi

2 12:55:07 Safa Abdulrahim Gelardi; is that correct?

3 12:55:08 A Yes.

4 12:55:08 Q Abdulrahim is your maiden name; is that

5 12:55:12 right?

6 12:55:13 A No.

7 12:55:14 Q Where do you get that name from?

8 12:55:15 A That's not my name.

9 12:55:17 Q Is your correct maiden name Abdulrahman

10 12:55:21 with an A-N?

11 12:55:23 A Yes.

12 12:55:25 Q Your current address is 148 Clay Pit Road,

13 12:55:29 correct?

14 12:55:29 A Yes.

15 12:55:30 Q Do you rent or own that property?

16 12:55:32 A Own.

17 12:55:33 Q Is the mortgage paid in full on that

18 12:55:35 property?

19 12:55:35 A No.

20 12:55:36 Q What is the approximate amount on that

21 12:55:40 mortgage?

22 12:55:45 A Approximate maybe 800.

23 12:55:48 Q You purchased that property on January 26,

24 12:55:50 2021, correct?

25 12:55:53 A Yes.

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1 S. Abdulrahim Gelardi

2 12:55:54 Q You placed a down payment of 220,000 for
3 12:55:57 that property, correct?

4 12:55:59 A Yes, I believe so.

5 12:56:03 Q To the best of your recollection, the full
6 12:56:05 purchase price of that property was \$995,000,
7 12:56:07 correct?

8 12:56:09 A Yes.

9 12:56:10 Q You also own a piece of real property at
10 12:56:12 332 88th Street in Brooklyn, New York, correct?

11 12:56:17 A No.

12 12:56:17 Q You no longer own that property?

13 12:56:19 A No longer.

14 12:56:19 Q When did you dispose of that property?

15 12:56:28 A I don't recall.

16 12:56:29 Q Was it within the last year?

17 12:56:31 A No.

18 12:56:35 Q You sold it, correct?

19 12:56:37 A Correct.

20 12:56:39 Q With respect to the mortgage that we just
21 12:56:41 discussed at 148 Clay Pit Road on Staten Island,
22 12:56:45 that is with Freedom, correct?

23 12:56:50 A No.

24 12:56:51 Q What is the name of the mortgagee for the
25 12:56:54 property in Staten Island?

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1 S. Abdulrahim Gelardi

2 12:57:03 A I'm not sure. Maybe Wells Fargo. I'm not
3 12:57:06 sure.

4 12:57:08 Q When did you first buy the property in
5 12:57:10 Brooklyn on 88th Street?

6 12:57:16 A I don't know. Maybe 20 years ago
7 12:57:17 approximately, to the best of my knowledge.

8 12:57:21 Q Do you recall whether you -- would it
9 12:57:22 refresh your recollection if I told you that public
10 12:57:24 records show you bought it on March 12, 2004?

11 12:57:31 A It could. That's possible.

12 12:57:34 Q You initially purchased it for \$499,550,
13 12:57:39 correct?

14 12:57:41 A To the best of my knowledge, yes.

15 12:57:44 Q When you sold it, how much did you sell it
16 12:57:47 for?

17 12:57:52 A I don't know. My husband handles that.

18 12:57:55 Q Would it refresh your recollection if I
19 12:57:56 told you that the property was sold on January 12,
20 12:57:59 2022 for 1.38 million?

21 12:58:04 A It's possible.

22 12:58:08 Q That property was a three-family property,
23 12:58:10 correct?

24 12:58:11 A No.

25 12:58:13 Q What kind of property was it?

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1 S. Abdulrahim Gelardi

2 12:58:15 A It was a two-family.

3 12:58:19 Q What was your use for that property when
4 12:58:21 it was purchased throughout the time you owned it?

5 12:58:25 A It was my primary home.

6 12:58:28 Q When did you first move to Staten Island?

7 12:58:35 A Twenty -- I want to say 2019. I want to
8 12:58:40 say -- on or around 2019/2020.

9 12:58:44 Q You held on to the Brooklyn property for
10 12:58:46 approximately one year after moving to Staten
11 12:58:50 Island, correct?

12 12:58:55 A I'm going to say I don't know but sounds
13 12:58:57 correct.

14 12:58:59 Q What was the reason you decided to
15 12:59:00 initially hold on to the property?

16 12:59:09 A There was no reason.

17 12:59:10 Q What was the reason you ultimately decided
18 12:59:13 to sell the property?

19 12:59:19 A I think that was my husband's decision.

20 12:59:21 Q Did he discuss -- withdrawn.

21 12:59:26 Between the time that you moved out
22 12:59:28 to Staten Island and held on to the property, did
23 12:59:30 you rent out the property?

24 12:59:35 A Yes.

25 12:59:40 Q What was the amount of rent you charged

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1 S. Abdulrahim Gelardi

2 12:59:42 for renting the property?

3 12:59:44 A I don't know.

4 12:59:45 Q Is that something that Vito would know?

5 12:59:47 A Yes.

6 12:59:58 Q In or about February 28th of 2017, you

7 13:00:05 also bought a single-family home with Vito located

8 13:00:07 at 19 Summit Drive in Mount Pocono, Pennsylvania,

9 13:00:09 correct?

10 13:00:13 A Correct.

11 13:00:13 Q The purchase price for that property was

12 13:00:14 \$157,000, correct?

13 13:00:17 A Correct.

14 13:00:18 Q You put down \$31,400 and took out a

15 13:00:23 \$157,000 mortgage with Quicken Loans, correct?

16 13:00:30 A Again, that's what my husband does. I

17 13:00:33 don't handle that.

18 13:00:34 Q You're not sure?

19 13:00:35 A I'm not sure.

20 13:00:36 Q Generally speaking, you rented out that

21 13:00:38 property using short-term rental services such as

22 13:00:42 Airbnb, VRBO, Bookings.com and Expedia, correct?

23 13:00:44 A Correct.

24 13:00:46 Q To your knowledge, how much would you

25 13:00:48 charge for renting out that property?

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1 S. Abdulrahim Gelardi

2 13:00:50 A Um, I'm not sure.

3 13:00:56 Q To your knowledge, how much rental income
4 13:00:59 did that property earn on a yearly basis
5 13:01:02 approximately?

6 13:01:03 A I'm not sure.

7 13:01:07 Q A lawsuit was filed against you by a
8 13:01:09 municipality called Monroe County for doing
9 13:01:13 short-term rentals out of that home, correct?

10 13:01:16 A Yes.

11 13:01:17 Q What is the status of that lawsuit?

12 13:01:19 A It was dropped, to my knowledge.

13 13:01:21 Q To your knowledge, was there a settlement?

14 13:01:23 A No.

15 13:01:26 Q You sold that property in July of 2018,
16 13:01:28 correct?

17 13:01:34 A I'm going to assume, yes.

18 13:01:37 Q You sold it for \$171,000, correct?

19 13:01:41 A I'm going to assume, yes.

20 13:01:43 MR. WARNER: If you don't know, say, I
21 13:01:46 don't know.

22 13:01:47 A I don't know.

23 13:01:47 Q What was the reason this property was
24 13:01:50 sold?

25 13:01:51 A You have to ask Vito.

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1 S. Abdulrahim Gelardi

2 13:01:58 Q You also have a single-family home that
3 13:02:00 was purchased at 1523 North Hollywood Street in
4 13:02:05 Philadelphia, Pennsylvania, correct?

5 13:02:07 A Correct.

6 13:02:08 Q That home was purchased on October 11th of
7 13:02:10 2018 for \$81,000; is that right?

8 13:02:15 A I don't know.

9 13:02:17 Q To your knowledge, do you personally own
10 13:02:22 that property with Vito or did you own it through
11 13:02:25 some other way?

12 13:02:26 A You have to ask Vito.

13 13:02:30 Q To your knowledge, is V&S Holdings a
14 13:02:33 company or entity that owned that real property?

15 13:02:38 A I'm not sure.

16 13:02:40 Q What is the reason that this property was
17 13:02:41 purchased to your knowledge?

18 13:02:46 A I'm not sure.

19 13:02:47 Q To your knowledge, was the property
20 13:02:48 purchased to flip it?

21 13:02:57 A I don't know.

22 13:02:59 Q To your knowledge, was that property
23 13:03:02 ultimately sold?

24 13:03:03 A No.

25 13:03:05 Q It's not true that the property was sold

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1 S. Abdulrahim Gelardi

2 13:03:07 on October 21st, 2021?

3 13:03:11 A It was not sold.

4 13:03:15 Q It's true that you placed it up for sale

5 13:03:18 but no one made an offer on it, correct?

6 13:03:22 A I don't know.

7 13:03:23 Q You ultimately removed that property from

8 13:03:25 the market in March of 2022, correct?

9 13:03:29 A I don't know.

10 13:03:29 Q Currently, is that property being rented

11 13:03:40 out?

12 13:03:41 A Yes.

13 13:03:41 Q For short-term rental or otherwise?

14 13:03:44 A Otherwise.

15 13:03:46 Q You have a long-term tenant in that

16 13:03:48 property?

17 13:03:49 A Yes.

18 13:03:49 Q What is the amount of rent that's being

19 13:03:53 charged on that property?

20 13:03:54 A I don't know.

21 13:03:55 Q Is that something Vito would know?

22 13:03:57 A Yes.

23 13:04:04 Q You also bought a single-family home with

24 13:04:06 Vito located at 9 Woods End in Lake Harmony,

25 13:04:09 Pennsylvania, correct?

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1 S. Abdulrahim Gelardi

2 13:04:12 A Yes.

3 13:04:12 Q That was purchased on July 11th of 2019
4 13:04:16 for \$315,000, correct?

5 13:04:25 A I don't know.

6 13:04:27 Q Do you recall whether you placed a down
7 13:04:28 payment of 431,500 on that property?

8 13:04:34 A My husband handles that stuff.

9 13:04:38 Q Do you have any knowledge as to whether
10 13:04:40 you have a mortgage of \$283,500 with Keystone
11 13:04:47 Premier Settlement Services for that property?

12 13:04:53 A I don't know.

13 13:05:08 Q With respect to the rental properties that
14 13:05:09 are owned, you're not involved in any way in terms
15 13:05:13 of managing the financial aspect of it?

16 13:05:16 MR. WARNER: Objection to form.

17 13:05:19 A Answer?

18 13:05:20 Q You can answer.

19 13:05:21 A Repeat it.

20 13:05:25 MR. KATAEV: Read it back.

21 13:05:26 (Whereupon, the referred to question was read back
22 13:05:26 by the reporter.)

23 13:05:53 A Very little involved.

24 13:05:57 Q The reason you purchased the Lake Harmony
25 13:06:00 property was to rent it out, correct?

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1 S. Abdulrahim Gelardi

2 13:06:02 A Correct.

3 13:06:03 Q Short-term rental or long term?

4 13:06:05 A Short term.

5 13:06:07 Q How much do you charge for the rental

6 13:06:10 generally speaking?

7 13:06:13 A Lake Harmony, I believe it's about \$350 a

8 13:06:19 night. I'm not sure.

9 13:06:24 Q Do you know how much is earned annually

10 13:06:26 for that property?

11 13:06:29 A No.

12 13:06:29 Q To your knowledge, how are the reviews for

13 13:06:35 that property?

14 13:06:37 A I don't know. I haven't looked in a

15 13:06:38 while.

16 13:06:41 MR. KATAEV: Off the record.

17 13:06:43 (Whereupon, an off-the-record discussion was held.)

18 13:06:47 MR. KATAEV: Back on.

19 13:06:48 Q You also have a single-family home that

20 13:06:50 you own with your husband, Vito, at 1475 Moon Valley

21 13:06:52 Drive in ChampionGate, Florida, correct?

22 13:06:56 A Correct.

23 13:06:57 Q This property was purchased in December of

24 13:06:58 2021 for \$684,500, correct?

25 13:07:03 A Correct.

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1 S. Abdulrahim Gelardi

2 13:07:04 Q To your knowledge, was a down payment of
3 13:07:05 \$414,500 placed on it?

4 13:07:10 A I don't know.

5 13:07:11 Q To your knowledge, was there a mortgage of
6 13:07:13 \$270,000 with United Wholesale Mortgage, LLC on that
7 13:07:19 property?

8 13:07:20 A I don't handle it.

9 13:07:21 Q You also rented out that property with
10 13:07:24 Short Term Rental Services, correct?

11 13:07:26 A Correct.

12 13:07:28 Q Is it fair to say that Vito handles the
13 13:07:30 banking aspect with respect to the short-term
14 13:07:33 rentals?

15 13:07:34 A Yes.

16 13:07:34 Q Is it fair to say that Vito handles all
17 13:07:35 the mortgages with that?

18 13:07:38 A Yes.

19 13:07:38 Q Has that always been the case since you
20 13:07:41 started in those ventures?

21 13:07:42 A Yes.

22 13:07:44 Q How much do you charge generally for the
23 13:07:46 Florida rental?

24 13:07:54 A I don't know. You can easily look it up.

25 13:07:57 Q In terms of this particular property, you

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1 S. Abdulrahim Gelardi

2 13:07:59 listed it for sale in September of 2022 for

3 13:08:03 \$975,000, correct?

4 13:08:06 A Yes.

5 13:08:07 Q The price has been reduced on January 5 of

6 13:08:10 this year to \$899,900, correct?

7 13:08:17 A I believe so. I don't know.

8 13:08:19 Q Is there any particular reason that you're

9 13:08:21 looking to sell this property in Florida?

10 13:08:23 A No particular reason.

11 13:08:27 Q Finally, you also purchased a

12 13:08:32 single-family historic home with your husband Vito

13 13:08:34 located at 5265 Milford Road in East Stroudsburg,

14 13:08:39 Pennsylvania, correct?

15 13:08:41 A Correct.

16 13:08:41 Q You purchased that property in April of

17 13:08:44 2022 for \$535,000, correct?

18 13:08:47 A Correct.

19 13:08:47 Q You put a down payment of \$107,000 and

20 13:08:49 obtained a mortgage of \$428,000 from Lakeside

21 13:08:52 Investment Corp., correct?

22 13:08:59 A I don't know.

23 13:09:00 Q Vito handled that, correct?

24 13:09:02 A Yes.

25 13:09:03 Q That property is also used for short-term

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1 S. Abdulrahim Gelardi

2 13:09:05 rentals?

3 13:09:06 A Yes.

4 13:09:06 Q Do you know how much you charged generally
5 13:09:08 speaking for the rental?

6 13:09:12 A I think it's the same as Lake Harmony. I
7 13:09:16 don't know.

8 13:09:17 Q Potentially \$350 a night?

9 13:09:20 A I would say.

10 13:09:21 Q Do you know how much is earned generally
11 13:09:22 speaking approximately for a year from that
12 13:09:25 property?

13 13:09:25 A No.

14 13:09:26 Q To your knowledge, is your name on the
15 13:09:29 mortgage for that property or any of the other
16 13:09:31 properties?

17 13:09:32 A Yes.

18 13:09:33 Q As an individual guarantor or as the
19 13:09:36 mortgagor?

20 13:09:39 A I don't know.

21 13:09:47 Q Are you in default on any of the mortgages
22 13:09:49 for any of the properties you own?

23 13:09:51 A No.

24 13:09:52 Q You're current on all the financial
25 13:09:54 obligations with respect to all the mortgages?

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1 S. Abdulrahim Gelardi

2 13:09:57 A I believe so. I don't know. Vito handles
3 13:10:00 all of that.

4 13:10:02 Q Going back to the property on Staten
5 13:10:03 Island. You reside there as your primary residence
6 13:10:06 with your husband and children, correct?

7 13:10:08 A Correct.

8 13:10:09 Q You were born on November 25 of 1974,
9 13:10:11 correct?

10 13:10:13 A Yes.

11 13:10:13 Q Where were you born?

12 13:10:14 A Jordan.

13 13:10:18 Q At the time you were born in 1974, was it
14 13:10:21 Jordan then?

15 13:10:23 A I don't know.

16 13:10:24 Q When did you first arrive to the
17 13:10:26 United States?

18 13:10:28 A I believe I was two.

19 13:10:30 Q That would be in 1976?

20 13:10:34 A I guess so.

21 13:10:35 Q Do you recall what month?

22 13:10:37 A No.

23 13:10:38 Q Have you ever visited Jordan since your
24 13:10:40 arrival to the United States?

25 13:10:44 A Yes, I believe so.

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S. Abdulrahim Gelardi

2

13:10:45

Q

When was the last time you went to Jordan?

3

13:10:48

A

I don't recall.

4

13:10:49

Q

Was it more than ten years ago?

5

13:10:51

A

Yes.

6

13:10:53

MR. KATAEV: We can take a break now.

7

13:10:54

Let's go off the record.

8

13:10:58

THE VIDEOGRAPHER: The time is 1:10 p.m.

9

13:11:01

we going off the record.

10

13:11:04

(Whereupon, an off-the-record discussion was held.)

11

13:47:46

(Lunch recess taken.)

12

13:52:45

THE VIDEOGRAPHER: The time is 1:52 p.m.

13

13:52:46

We are back on the record.

14

13:52:49

BY MR. KATAEV:

15

13:52:51

Q

Good afternoon. We are back on the record

16

13:52:54

following lunch. I want to remind you that you're

17

13:52:57

still under oath and my first question is: During

18

13:53:07

the lunch break, without discussing any

19

13:53:09

conversations you had with either your attorney or

20

13:53:14

your husband, did you discuss your testimony in this

21

13:53:17

case?

22

13:53:19

A

Yes.

23

13:53:20

Q

Have you ever placed your name on any

24

13:53:22

independent medical examination report obtained from

25

13:53:29

IME Watchdog and called it your own?

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1 S. Abdulrahim Gelardi

2 13:53:30 A No.

3 13:53:31 Q Have you ever sent a report for an

4 13:53:35 independent medical examination by IME Watchdog to

5 13:53:41 employees, independent contractors, or agents of

6 13:53:43 Companions to teach them how to properly write a

7 13:53:49 report?

8 13:53:50 A No.

9 13:53:50 MR. KATAEV: Let's mark this as 3, please.

10 13:54:16 (Plaintiff's Exhibit 3, Marked for Identification.)

11 13:54:15 BY MR. KATAEV:

12 13:54:16 Q I've handed to you, Ms. Gelardi, what is a

13 13:54:19 March 14, 2019 email from the forensic production

14 13:54:27 together with an attachment. I would like to refer

15 13:54:31 your attention. After you have an opportunity to

16 13:54:33 review it, let me know.

17 13:54:36 (Witness perusing document.)

18 13:54:58 Referring to the first page of the

19 13:55:00 email on top. On March 14, 2019 at 1:24 p.m., Adam

20 13:55:07 sent you an email with the subject, Sample report,

21 13:55:11 with the body of the message saying, Thank you,

22 13:55:14 correct?

23 13:55:16 A Yes.

24 13:55:17 Q And you did receive that email from Adam,

25 13:55:19 correct?

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1 S. Abdulrahim Gelardi

2 13:55:20 A Yes.

3 13:55:21 Q Then approximately four hours later the
4 13:55:25 same day, you forward that email to Carlos Roa,
5 13:55:27 correct?

6 13:55:30 A I'm going to say, yes.

7 13:55:34 Q In that email there was an attachment
8 13:55:36 that's labeled, Emilio_Gonzalez_dradam_vendor with
9 13:55:36 the date of July 19, 2016, correct?

10 13:55:48 A Yes.

11 13:55:50 Q That attachment was sent in a Word format,
12 13:55:52 correct?

13 13:55:55 A I don't know how it was sent.

14 13:55:56 Q If you look at the last four letters of
15 13:55:59 the attachment, it says, period D-O-C-X; do you see
16 13:56:03 that?

17 13:56:06 A Okay.

18 13:56:06 Q To your knowledge, is that a Word file?

19 13:56:14 A I'm going to assume so, yes.

20 13:56:16 Q It was not sent to you in pdf format in
21 13:56:21 this email, correct?

22 13:56:22 A I'm not sure how it was sent.

23 13:56:23 Q To your knowledge, were you able to open
24 13:56:26 this attachment and edit it?

25 13:56:30 A No.

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1 S. Abdulrahim Gelardi

2 13:56:31 Q To your knowledge, would you be able to
3 13:56:33 open this attachment and edit it?

4 13:56:35 A Yes.

5 13:56:37 Q Why is it that Adam sent you this report
6 13:56:41 on March 14, 2019?

7 13:56:50 A I don't recall exactly.

8 13:56:53 Q Why is it that you forwarded it to Mr. Roa
9 13:56:57 a few hours later the same day?

10 13:57:00 A Mr. Roa handled all the reports. He
11 13:57:04 handled a lot of duties at IME Companions
12 13:57:08 including -- you know, I don't recall why he asked
13 13:57:13 for it.

14 13:57:15 Q Mr. Roa no longer works at IME Companions,
15 13:57:17 correct?

16 13:57:18 A Correct.

17 13:57:19 Q Who handles all the reports now?

18 13:57:22 A I do and there is a gentleman named Jeff
19 13:57:27 who does my editing.

20 13:57:29 Q That individual is Jeff Biehem,
21 13:57:29 B-I-E-B-E-M, correct?

22 13:57:34 A Yes.

23 13:57:41 Q Let's go to the next page. This report is
24 13:57:46 a document prepared by IME Watchdog, correct?

25 13:57:50 A Yes.

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1 S. Abdulrahim Gelardi

2 13:57:52 Q It says at the top in clear bold letters
3 13:57:54 that this confidential attorney work product,
4 13:57:56 correct?

5 13:57:57 A Yes.

6 13:58:02 Q Is there any significance with the fact
7 13:58:05 that it was a independent medical examination
8 13:58:08 conducted by Dr. Adam Bender?

9 13:58:12 A I'm going to say, yes.

10 13:58:16 Q What is significant about Dr. Adam Bender?

11 13:58:21 A I believe Dr. Bender is a very
12 13:58:28 difficult -- I would say one of the most difficult
13 13:58:35 IME physicians.

14 13:58:37 Q And by having this kind of a report, it's
15 13:58:40 something that assisted you in running your business
16 13:58:43 with Companions, correct?

17 13:58:47 A No.

18 13:58:48 Q When Adam sent you this email, on the
19 13:58:49 first page he put in the message, Thank you; do you
20 13:58:52 see that?

21 13:58:53 A Yes.

22 13:58:53 Q Why was he thanking you?

23 13:58:55 A I don't know.

24 13:58:56 Q What did he thank you for?

25 13:58:57 A I don't know.

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1 S. Abdulrahim Gelardi

2 13:58:59 Q Did he thank you for the fact that you
3 13:59:01 paid him for this report?

4 13:59:04 A No, I never paid for this report.

5 13:59:05 Q To your knowledge, there is no record of
6 13:59:08 any transaction in exchange for this report?

7 13:59:14 A Absolutely not.

8 13:59:17 Q Is it because of the fact that Dr. Adam
9 13:59:20 Bender is more difficult with conducting -- I will
10 13:59:22 refer to independent medical exams as IMEs going
11 13:59:26 forward -- with conducting IMEs, that that was the
12 13:59:29 reason you asked for a copy of the report?

13 13:59:32 MR. WARNER: Objection to form. She
14 13:59:34 said -- she didn't say she asked for copies.

15 13:59:38 Q You can answer.

16 13:59:39 A I didn't ask for a copy of the report.

17 13:59:41 Q Is the reason why you received the report
18 13:59:43 because Dr. Adam Bender is more difficult with doing
19 13:59:46 IMEs?

20 13:59:47 A Um, I want to retract my last statement.
21 13:59:58 I do believe I asked for this report.

22 14:00:01 Q Why is that?

23 14:00:03 A I asked for this report because -- what I
24 14:00:07 did ask for actually is, is Dr. Bender difficult
25 14:00:12 across the board or just -- it was a question about

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1 S. Abdulrahim Gelardi

2 14:00:19 Dr. Bender. I don't recall ever asking for the

3 14:00:22 report, but I recall asking about Dr. Bender.

4 14:00:29 Q At the time this email was sent in March

5 14:00:31 of 2019, did you have what you would characterize as

6 14:00:33 a good relationship with Adam Rosenblatt?

7 14:00:42 A What is good?

8 14:00:48 Q Is it fair to say that you needed this

9 14:00:50 report to help you with your business?

10 14:00:55 A No.

11 14:00:55 Q With respect to your prior answer to my

12 14:00:59 immediately preceding question, what does good mean

13 14:01:03 to you?

14 14:01:05 A What does good mean to me? I want to

15 14:01:17 answer your question.

16 14:01:21 Q What do you mean by your testimony that

17 14:01:26 you had a good relationship with Adam in March of

18 14:01:29 2019; how was your relationship good?

19 14:01:31 A In March of 2018?

20 14:01:35 MR. WARNER: 2019.

21 14:01:37 Q 2019 when the email was sent.

22 14:01:39 A I'm sorry, Mr. Kataev, I'm not

23 14:01:42 understanding that question properly.

24 14:01:44 Q I asked you how you would characterize

25 14:01:45 your relationship with Adam Rosenblatt in March of

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1 S. Abdulrahim Gelardi

2 14:01:48 '19 when this email was sent and you said, Good.

3 14:01:52 A I did?

4 14:01:52 Q That's my understanding. Was your

5 14:01:55 relationship with Adam good in March of 2019?

6 14:01:58 A I didn't say it was good. I said, What is
7 14:02:01 good.

8 14:02:02 Q Let's take step back. At the time that

9 14:02:04 Adam sent you this email in March of 2019, how would

10 14:02:09 you characterize your relationship with him?

11 14:02:15 A Just -- I want to say average.

12 14:02:20 Q What does that mean? What was your
13 14:02:21 relationship like?

14 14:02:24 A We didn't have a relationship, Mr. Kataev.

15 14:02:28 Q What was the basis of him sending you this
16 14:02:30 email?

17 14:02:33 A I asked him about Dr. Bender.

18 14:02:35 Q He voluntarily sent you this report?

19 14:02:37 A He voluntarily sent me a lot of stuff.

20 14:02:41 Q Without you prompting him?

21 14:02:42 A Without.

22 14:02:42 Q Why would he do that?

23 14:02:43 A Because it's Adam.

24 14:02:45 Q What does that mean?

25 14:02:48 A Ask Adam. He sent it to everybody.

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1 S. Abdulrahim Gelardi

2 14:02:51 Q Who else are you aware of that Adam sent a
3 14:02:54 report like this to?

4 14:02:56 A He sent the exact information that he sent
5 14:03:00 to me to a gentleman, he was a chiropractor. I
6 14:03:06 can't remember his exact name, but it was a
7 14:03:10 chiropractor that got all the exact same
8 14:03:15 information, and he also wanted to start a
9 14:03:19 business -- Adam approached him to start the
10 14:03:21 business with him as well. I don't recall. He also
11 14:03:23 sent this exact same information to the people of
12 14:03:25 Law Cash.

13 14:03:32 Q How do you know that Adam sent these
14 14:03:34 reports to the chiropractor and to Law Cash?

15 14:03:39 A Because he told me.

16 14:03:40 Q What did he say to you and what did you
17 14:03:43 say to him in response?

18 14:03:45 A He told me at one point that he was going
19 14:03:48 to start a business with doctor -- I can't remember
20 14:03:53 his name.

21 14:03:54 Q The chiropractor?

22 14:03:56 A Right. The chiropractor.

23 14:03:57 Q You can refer to him as the chiropractor.

24 14:03:59 Go on, continue with your answer.

25 14:04:03 A I recall that -- and I said, Good, good

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1 S. Abdulrahim Gelardi

2 14:04:06 for you.

3 14:04:08 Q When was this?

4 14:04:10 A This was after I started IME Companions.

5 14:04:13 This was after we started our business and, you

6 14:04:23 know, then the chiropractor -- he mentioned him

7 14:04:27 multiple times. He said he was going to get out of

8 14:04:32 the grips of Daniella Levi and if I didn't want to

9 14:04:36 do it with him, he found somebody who did. Listen,

10 14:04:40 Adam says a lot of things and does a lot of things.

11 14:04:44 I'm not in control of him.

12 14:04:45 Q Did you ever speak to the chiropractor?

13 14:04:49 A No. I don't recall speaking to the -- I

14 14:04:51 don't even remember his name.

15 14:04:56 Q You said that the Adam sent the

16 14:05:00 chiropractor items after you started your business.

17 14:05:02 Was that before this March 2019 email

18 14:05:05 or after?

19 14:05:07 A Oh, I don't know when he sent it. He just

20 14:05:10 told me he sent it. He just told me he was going to

21 14:05:14 start a business with the chiropractor. I don't

22 14:05:17 even know his name.

23 14:05:19 MR. KATAEV: Let's mark this as 4.

24 14:05:24 (Plaintiff's Exhibit 4, Marked for Identification.)

25 14:05:36 (Witness perusing document.)

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1 S. Abdulrahim Gelardi

2 14:05:36 BY MR. KATAEV:

3 14:05:50 Q Before we get into this exhibit, some
4 14:05:54 followup questions. You testified at the Show Cause
5 14:05:56 Hearing that you only asked for reports for quality
6 14:06:00 control purposes; do you recall that testimony?

7 14:06:03 A Not really, but if it's there, I'm sure I
8 14:06:07 did.

9 14:06:07 MR. KATAEV: I'm referring the witness to
10 14:06:18 the screen which has the Show Cause Hearing
11 14:06:20 transcript of page 51 and I have highlighted
12 14:06:25 lines 11 through 19. I will read for the
13 14:06:29 record.

14 14:06:29 The Court asked: What was the report?

15 14:06:32 Answer: It was a doctor's report. It was
16 14:06:33 a report from a Watchdog that observed a
17 14:06:38 particular doctor.

18 14:06:38 The Court asked: And why did you ask him
19 14:06:41 for that?

20 14:06:41 Answer: I asked him for that report
21 14:06:43 because the doctor was very difficult and he
22 14:06:46 gave us a very difficult time. We also
23 14:06:50 observed with that doctor. I just wanted to
24 14:06:51 find it out if it was something he normally
25 14:06:54 does and it was just for quality control.

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1 S. Abdulrahim Gelardi

2 14:06:58 Based on the testimony I just read, your

3 14:07:00 testimony, is it accurate to state that you

4 14:07:05 asked for the report in order to further

5 14:07:07 Companions' business?

6 14:07:11 A No.

7 14:07:12 Q What do you mean by quality control?

8 14:07:15 A I don't even know what I mean by quality

9 14:07:16 control. I know that I asked for the report -- I

10 14:07:20 didn't asked for the report. I asked about

11 14:07:22 Dr. Bender and if he was difficult across the board.

12 14:07:28 Maybe -- I don't recall asking for the report.

13 14:07:31 Q As you sit here today, are you still

14 14:07:33 denying that you asked Adam for that report?

15 14:07:36 A I'm not sure.

16 14:07:37 Q You realize that you testified on

17 14:07:39 April 4th that you asked Adam for that report,

18 14:07:42 correct?

19 14:07:43 A Yes, I do.

20 14:07:44 Q Do you withdraw your testimony earlier

21 14:07:46 today at today's deposition that you did not ask him

22 14:07:50 for that report?

23 14:07:51 A I don't recall asking for the report.

24 14:07:54 Q Was your memory better in April of 2022

25 14:07:59 when you testified to this?

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1 S. Abdulrahim Gelardi

2 14:08:01 A I don't -- I don't recall asking for the
3 14:08:04 report.

4 14:08:06 Q Let's look at what I've marked as
5 14:08:09 Plaintiff's Exhibit 4. I will represent to you that
6 14:08:13 this is a IME report prepared by your company,
7 14:08:16 Companions, that has to do with Dr. Adam Bender; do
8 14:08:21 you see that?

9 14:08:29 A Yes.

10 14:08:30 Q Take an opportunity to review, please.

11 14:08:33 A Yes.

12 14:08:46 Q You observed this IME, correct?

13 14:08:53 A No, I did not.

14 14:08:54 Q If you look at the middle of the first
15 14:08:57 page, it says, Observed by Safa Gelardi?

16 14:09:00 A I see that.

17 14:09:01 Q You're saying this report is incorrect?

18 14:09:03 A I'm saying this report was done by Carlos
19 14:09:06 Roa. I did not observe this report. He knows he
20 14:09:10 did this report.

21 14:09:12 Q Your testimony today is that Carlos Roa
22 14:09:16 copied the report in Plaintiff's Exhibit 3 and put
23 14:09:18 your name and letterhead on it?

24 14:09:21 A Yes, absolutely.

25 14:09:21 Q You're saying that you did not know that

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1 S. Abdulrahim Gelardi

2 14:09:24 this happened?

3 14:09:25 A I did not know until it was presented to
4 14:09:28 me in court.

5 14:09:55 Q Is it fair to say that this exact report
6 14:09:57 was something you sent in all your marketing
7 14:09:59 materials to prospective law firm customers?

8 14:10:07 A No, it is not.

9 14:10:14 Q Comparing the two reports, the date of
10 14:10:16 accident and the client's attorney and the IME
11 14:10:19 doctor are all the same, correct?

12 14:10:21 A Yes.

13 14:10:22 Q In other words, this is a report of an IME
14 14:10:25 that you never observed, correct?

15 14:10:27 A Correct, that Carlos Roa fudged.

16 14:10:42 MR. KATAEV: Let's go off the record for a
17 14:10:44 second.

18 14:10:46 THE VIDEOGRAPHER: The time is 2:10 p.m.

19 14:10:47 We are going off the record.

20 14:10:50 (Whereupon, an off-the-record discussion was held.)

21 14:14:09 THE VIDEOGRAPHER: The time is 2:14 p.m.

22 14:14:19 We are back on the record.

23 14:14:21 BY MR. KATAEV:

24 14:14:26 Q Ms. Gelardi, for the record, you are
25 14:14:27 married to Vito Gelardi, correct?

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1 S. Abdulrahim Gelardi

2 14:14:29 A Yes.

3 14:14:31 Q You met him for the first time while he
4 14:14:33 was a patron of the bank you worked in, correct?

5 14:14:37 A Yes.

6 14:14:38 Q That was at which bank?

7 14:14:41 A I don't recall.

8 14:14:44 Q Where did you get married?

9 14:14:49 A Texas.

10 14:14:53 Q Prior to your marriage of Mr. Gelardi, had
11 14:14:55 you ever been married before?

12 14:14:57 A No.

13 14:15:10 Q Have you ever been arrested before?

14 14:15:12 A No.

15 14:15:13 Q Have you ever been convicted of any crime?

16 14:15:15 A No.

17 14:15:15 Q What is your highest level of education?

18 14:15:19 A I have a bachelors.

19 14:15:21 Q Where?

20 14:15:22 A Fordham University.

21 14:15:26 Q What was the major?

22 14:15:30 A It was economics and finance.

23 14:15:36 Q Prior to college, did you go to high
24 14:15:38 school and graduate from high school?

25 14:15:40 A Yes.

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1 S. Abdulrahim Gelardi

2 14:15:41 Q Where?

3 14:15:43 A Fort Hamilton High School.

4 14:15:45 Q Bronx?

5 14:15:46 A No, Brooklyn.

6 14:15:50 Q You obtained a high school diploma?

7 14:15:55 A Yes.

8 14:15:55 Q Was there any gap in your education
9 14:15:57 between high school and college?

10 14:16:00 A I believe one year. No, actually no.

11 14:16:03 Q No gap?

12 14:16:03 A No, I don't believe so. I don't recall
13 14:16:04 but I don't believe so.

14 14:16:26 Q Immediately prior to the time you formed
15 14:16:30 Companions, where did you work?

16 14:16:34 A Sterling National Bank.

17 14:16:36 Q What was the month and year you started
18 14:16:38 there and the month and year you stopped working
19 14:16:40 there?

20 14:16:41 A I don't recall the month and year I
21 14:16:42 started.

22 14:16:44 Q What about the year?

23 14:16:47 A I don't recall the year. I want to say I
24 14:16:50 can approximate for you -- I don't recall. I might
25 14:16:57 have been there three years, three and a half, four

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1 S. Abdulrahim Gelardi

2 14:17:00 years. Something like that.

3 14:17:02 Q What position or job title did you hold?

4 14:17:06 A I was a vice president.

5 14:17:07 Q Vice president of what? There is a lot of

6 14:17:08 vice president of banks.

7 14:17:09 A I was a branch manager.

8 14:17:12 Q For one branch?

9 14:17:14 A Yes.

10 14:17:14 Q Which branch was that?

11 14:17:15 A Forest Hills?

12 14:17:25 MR. WARNER: Are we done with 4?

13 14:17:27 MR. KATAEV: We are all done with 4, for

14 14:17:30 now.

15 14:17:30 BY MR. KATAEV:

16 14:17:46 Q Would it refresh your recollection if I

17 14:17:47 told you that your resume says that you worked at

18 14:17:52 Sterling National Bank from November 2015?

19 14:17:56 MR. WARNER: From when?

20 14:17:57 MR. KATAEV: November of 2015.

21 14:18:00 A I don't recall. I think it was before

22 14:18:04 that but I'm not sure.

23 14:18:09 Q At the time you worked at Sterling, you

24 14:18:12 were required to abide by the bank's policies,

25 14:18:15 correct?

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1 S. Abdulrahim Gelardi

2 14:18:16 A Correct.

3 14:18:17 Q One of those policies includes a

4 14:18:19 prohibition against working with any customer of a

5 14:18:23 bank in any business outside of the bank, correct?

6 14:18:27 A Correct.

7 14:18:28 Q You nonetheless engaged with Ronald

8 14:18:31 Rosenblatt during this time in Med Mal USA, correct?

9 14:18:36 A That is not correct.

10 14:18:40 Q How so?

11 14:18:41 A Ronald Rosenblatt was not a customer of

12 14:18:42 the bank when I started working with him. He became

13 14:18:46 a customer of the bank later. I would just cash

14 14:18:49 checks for him that he would come into the bank -- I

15 14:18:52 helped him to get his checks cashed. He was not a

16 14:18:56 customer at the time.

17 14:18:58 Q Would it not be a conflict of interest for

18 14:19:03 you to serve him in his banking needs while you were

19 14:19:06 in business with him?

20 14:19:07 MR. WARNER: Objection to form.

21 14:19:08 A No.

22 14:19:09 Q What basis do you have to say that?

23 14:19:12 A Is that question for me?

24 14:19:14 Q Yes.

25 14:19:14 A I'm sorry, I don't understand it.

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1 S. Abdulrahim Gelardi

2 14:19:17 Q What is your basis for saying it's not a
3 14:19:19 conflict of interest? How do you know it's not a
4 14:19:20 conflict of interest?

5 14:19:21 A I don't believe it's a conflict of
6 14:19:22 interest.

7 14:19:23 Q It's based on your belief?

8 14:19:26 A Yes.

9 14:19:26 Q What was your compensation at Sterling
10 14:19:29 Bank?

11 14:19:30 A I don't recall. Maybe 90 a year.

12 14:19:36 Q Was there any incentive or bonus
13 14:19:38 structure?

14 14:19:40 A No.

15 14:19:40 Q That's a flat salary, correct?

16 14:19:44 A I believe so.

17 14:19:45 Q You resigned from this bank, correct?

18 14:19:47 A Correct.

19 14:19:47 Q You did not get fired from it?

20 14:19:49 A No.

21 14:19:50 Q Prior to working at Sterling, you worked
22 14:19:52 at Capital One Bank in Brooklyn, correct?

23 14:19:57 A I think that was after Sterling. No, I'm
24 14:20:01 sorry. I apologize, yes.

25 14:20:03 Q You worked there for approximately three

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1 S. Abdulrahim Gelardi

2 14:20:05 years, correct?

3 14:20:06 A Yes.

4 14:20:07 Q There you were a branch manager for

5 14:20:09 multiple branches; is that right?

6 14:20:11 A Yes.

7 14:20:12 Q Working at that bank you were subject to

8 14:20:14 similar policies that we just discussed at Sterling,

9 14:20:16 correct?

10 14:20:19 A I believe so. I don't know.

11 14:20:23 Q Prior to working at Capital One Bank, you

12 14:20:26 worked at family business called Primal Development;

13 14:20:30 is that right?

14 14:20:30 A Yes.

15 14:20:32 Q Primal Development is a business owned by

16 14:20:36 who?

17 14:20:36 A I don't know.

18 14:20:39 Q You put in your resume that it's a

19 14:20:39 family --

20 14:20:41 A I believe Primal Development was owned by

21 14:20:44 Vito.

22 14:20:46 Q It says here on your resume that Primal

23 14:20:49 Development is closed. Do you recall whether -- how

24 14:20:53 that happened?

25 14:20:55 A No.

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1 S. Abdulrahim Gelardi

2 14:20:59 Q Prior to working at Primal Development,

3 14:21:01 you worked at Washington Mutual and JP Morgan Chase

4 14:21:06 Bank in Brooklyn, correct?

5 14:21:08 A I believe so.

6 14:21:09 Q You were a business banking specialist

7 14:21:12 there from June of 2007 until October of 2009?

8 14:21:17 A I believe so.

9 14:21:18 Q In what ways, if any, were your duties as

10 14:21:21 a business banking specialist there different from a

11 14:21:24 branch manager at the subsequent banks you worked

12 14:21:27 at?

13 14:21:27 A A business banking specialist was

14 14:21:33 responsible for obtaining new business.

15 14:21:38 Q Whereas a branch manager did more than

16 14:21:41 that?

17 14:21:41 A Yes.

18 14:21:42 Q Was a branch manager also responsible for

19 14:21:44 bringing in business?

20 14:21:45 A I believe so.

21 14:21:46 Q You also worked for three years at

22 14:21:48 Citibank and for four years at JP Morgan Chase Bank

23 14:21:52 as a senior client financial analyst and a personal

24 14:21:58 banker, correct?

25 14:22:00 A I believe so.

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1 S. Abdulrahim Gelardi

2 14:22:01 Q How many years collectively do you have in
3 14:22:03 banking experience?

4 14:22:05 A I would say approximately 20. A little
5 14:22:08 over 20.

6 14:22:12 Q It's your testimony today that despite all
7 14:22:15 your banking experience, you're not involved with
8 14:22:17 managing the finances when it comes to the rental
9 14:22:19 properties?

10 14:22:20 A Yes.

11 14:22:25 Q You did meet Ronald Rosenblatt for the
12 14:22:27 first time at Sterling, correct?

13 14:22:29 A Correct.

14 14:22:47 Q Did you ever get fired from any of the
15 14:22:49 jobs that you've had at the banks that we discussed?

16 14:22:55 A I don't recall. I don't believe so. I
17 14:23:00 don't think I have ever been fired. I don't recall.

18 14:23:03 Q The 90,000 that you earned as a senior
19 14:23:11 branch manager at Sterling, is that the most
20 14:23:17 compensation you have ever been paid by a bank in a
21 14:23:20 year?

22 14:23:20 A No.

23 14:23:21 Q There were times prior to that employment
24 14:23:23 that you earned more, correct?

25 14:23:25 A Correct.

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1 S. Abdulrahim Gelardi

2 14:23:35 Q When did you separate from employment with
3 14:23:42 Sterling National Bank; month and year is fine?

4 14:23:48 A I believe November 2017 or on or about
5 14:23:51 around there.

6 14:23:59 Q Why did your employment end with JP Morgan
7 14:24:01 Chase in 2004 when you were a personal banker and
8 14:24:06 assistant treasurer?

9 14:24:09 A People jump around for better positions
10 14:24:11 for more money.

11 14:24:13 Q Is that what you did?

12 14:24:15 A I believe so.

13 14:24:15 Q You don't know for sure?

14 14:24:17 A No. I'm telling you I believe so.

15 14:24:20 Q Your testimony is that you left for a
16 14:24:22 better opportunity?

17 14:24:24 A I don't recall but I believe so.

18 14:24:28 Q Why did you leave your employment with
19 14:24:30 Citibank in 2007 as a senior client financial
20 14:24:35 analyst?

21 14:24:36 A I don't recall.

22 14:24:36 Q Why did you leave your position as a
23 14:24:38 business banking specialist at WaMu/JP Morgan Chase
24 14:24:42 in October 2009?

25 14:24:45 A I don't recall.

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1 S. Abdulrahim Gelardi

2 14:24:46 Q Why did leave your position with Primal

3 14:24:48 Development?

4 14:24:50 A I don't recall.

5 14:24:51 Q Did you leave your position with Primal

6 14:24:53 Development because the business closed?

7 14:24:57 A It's possible.

8 14:25:00 Q Why did you leave your position with

9 14:25:02 Capital One Bank in November 2015 where you were a
10 14:25:05 multi-branch manager?

11 14:25:07 A I don't recall.

12 14:25:24 Q During the time that you worked at each of
13 14:25:25 those banks, were you ever demoted or asked to
14 14:25:29 resign from any of them?

15 14:25:31 A I'm not sure. I don't recall. I don't
16 14:25:34 think so.

17 14:25:34 Q Were there any gaps in your working
18 14:25:39 experience?

19 14:25:40 A Mr. Kataev, I don't recall. This is
20 14:25:41 20 plus years ago.

21 14:25:43 Q This is your life, you lived it. You
22 14:25:46 don't recall?

23 14:25:48 A Correct. Not every aspect, no.

24 14:26:01 Q Do you have any documents related to your
25 14:26:03 prior jobs?

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1 S. Abdulrahim Gelardi

2 14:26:05 A No.

3 14:26:10 Q Were you required to sign any agreements
4 14:26:11 with the banks that you worked with?

5 14:26:16 A I'm not sure what you mean.

6 14:26:18 Q Were there any restrictive covenant
7 14:26:20 agreements requiring you to not compete?

8 14:26:27 A I don't believe so.

9 14:26:28 Q Were there any nondisclosure agreements or
10 14:26:31 confidentiality agreements?

11 14:26:34 A I don't recall. Maybe, I don't know.

12 14:26:37 Q Were there any policies that you signed
13 14:26:39 concerning conflicts of interest?

14 14:26:41 A I'm sure there was but I don't recall.

15 14:27:00 Q Other than the personal injury action in
16 14:27:04 which you testified and this lawsuit, have you ever
17 14:27:08 been a party to any other lawsuit as a defendant or
18 14:27:10 a plaintiff?

19 14:27:16 A I recall a lawsuit that we -- that I was
20 14:27:19 in with Empire State Bank.

21 14:27:26 Q When did you work at Empire State Bank?

22 14:27:33 A Right before Sterling.

23 14:27:37 Q You never listed Empire State Bank in your
24 14:27:41 resume, did you?

25 14:27:43 A I'm not sure. I don't know.

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1 S. Abdulrahim Gelardi

2 14:27:45 Q Would there be any reason why you would

3 14:27:48 not include Empire State Bank in your resume?

4 14:27:52 A Because it was short-lived. I don't know.

5 14:27:55 Q How long did you work at Empire State

6 14:27:58 Bank?

7 14:27:58 A A very short period of time.

8 14:28:01 Q What was the lawsuit about with respect to

9 14:28:03 Empire State Bank?

10 14:28:04 A It was a class action lawsuit. I don't

11 14:28:06 recall exactly. All the employees.

12 14:28:10 Q What was the -- withdrawn.

13 14:28:12 Is that lawsuit still active?

14 14:28:15 A No.

15 14:28:16 Q Was it disposed of?

16 14:28:19 A What does that mean?

17 14:28:21 Q Is the lawsuit over?

18 14:28:22 A Yes.

19 14:28:24 Q How did the lawsuit terminate?

20 14:28:26 A It was settled.

21 14:28:30 Q Did you sign any agreement requiring the

22 14:28:33 settlement terms to be confidential?

23 14:28:41 A I'm not sure.

24 14:28:49 Q Who else was a party to that lawsuit suing

25 14:28:52 the bank?

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1 S. Abdulrahim Gelardi

2 14:28:54 A I believe it was five of us. I really
3 14:28:56 don't remember their names.

4 14:28:58 Q Does Jamie Dellasala ring a bell?

5 14:28:58 D-e-l-l-a-s-a-l-a.

6 14:29:10 A Yes.

7 14:29:11 Q Is Christine Bazolla someone that rings a
8 14:29:15 bell?

9 14:29:16 A Yes.

10 14:29:16 Q What about Teresa Pommerenk?

11 14:29:17 P-o-m-m-e-r-e-n-k.

12 14:29:24 A I don't know if she was part of the
13 14:29:25 lawsuit. I'm not sure.

14 14:29:27 Q Do you recall who she is?

15 14:29:28 A I remember the name.

16 14:29:30 Q Is that another plaintiff?

17 14:29:33 A I don't recall, Mr. Kataev.

18 14:29:39 Q Where was the branch located that you
19 14:29:41 worked in at Empire State Bank?

20 14:29:44 A Bay Ridge, Brooklyn.

21 14:29:54 Q I'm going to hand to you what we will be
22 14:29:59 marking at Plaintiff's Exhibit 5.

23 14:30:01 (Plaintiff's Exhibit 5, Marked for Identification.)

24 14:30:15 MR. KATAEV: Copy to counsel.

25 14:30:17 MR. WARNER: Thank you.

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1 S. Abdulrahim Gelardi

2 14:30:17 BY MR. KATAEV:

3 14:30:29 Q Take a minute to review that.

4 14:30:33 A Okay.

5 14:31:10 Q I have placed up on the screen a copy of

6 14:31:13 the same complaint that you have in front of you.

7 14:31:30 Is it accurate that you state that you sued Empire

8 14:31:33 State Bank for discrimination based on your national

9 14:31:37 origin?

10 14:31:38 A Yes.

11 14:31:38 Q And for hostile work environment?

12 14:31:41 A Yes.

13 14:31:49 Q With respect to paragraph 13 of the

14 14:31:50 complaint that was filed, you allege that you were

15 14:31:54 the only Arabic and Arabic-speaking employee at

16 14:31:58 Empire; is that correct?

17 14:31:59 A Yes.

18 14:32:01 Q The reason why you were hired is because

19 14:32:02 of the fact that you speak Arabic?

20 14:32:07 A I don't think I was hired for that.

21 14:32:10 Q Isn't that what it says over here in the

22 14:32:12 complaint?

23 14:32:13 A I highly doubt I was hired because I speak

24 14:32:15 Arabic. Okay.

25 14:32:36 MR. WARNER: There is no question

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1 S. Abdulrahim Gelardi

2 14:32:37 outstanding.

3 14:32:37 BY MR. KATAEV:

4 14:32:41 Q Did you undergo any deposition in this
5 14:32:43 case?

6 14:32:45 A I don't recall, Mr. Kataev.

7 14:32:50 Q You retained an attorney named Walker G.
8 14:32:57 Harmon in the case?

9 14:32:58 A I believe so.

10 14:33:01 Q How did you find Mr. Harmon?

11 14:33:03 A Online.

12 14:33:08 Q You signed a retainer agreement with
13 14:33:10 Mr. Harmon?

14 14:33:11 A I believe so.

15 14:33:14 Q When was the last time you spoke with
16 14:33:16 Mr. Harmon?

17 14:33:18 A When the case settled.

18 14:33:21 Q You received some form of financial
19 14:33:24 compensation based on the settlement?

20 14:33:26 A I believe so.

21 14:33:27 MR. WARNER: At this point, I'm going to
22 14:33:31 object. It's far afield from the issues in the
23 14:33:32 case. She already indicated to you that she
24 14:33:34 doesn't know whether there is a confidentiality
25 14:33:34 agreement that covers this, so at this point in

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1 S. Abdulrahim Gelardi

2 14:33:37 time I think that the questions that you're
3 14:33:40 asking, Mr. Kataev, are immaterial to the
4 14:33:43 issues in this case may impact a potential
5 14:33:47 confidentiality.

6 14:33:48 MR. KATAEV: I will move on.

7 14:33:49 MR. WARNER: I will say that the potential
8 14:33:52 harm to Ms. --

9 14:33:59 MR. KATAEV: I will move on.

10 14:34:01 MR. WARNER: -- Gelardi. I'm looking at
11 14:34:07 Abdulrahman, but it's obviously before your
12 14:34:08 marriage.

13 14:34:08 BY MR. KATAEV:

14 14:34:09 Q When were you married?

15 14:34:10 A That was not before my marriage. We were
16 14:34:14 married -- I believe June 1st. Adam was born 2014
17 14:34:31 so I'm going to say 2013.

18 14:34:38 Q Other than this lawsuit and the -- other
19 14:34:41 that the lawsuit we just looked at and this lawsuit
20 14:34:45 and the prior personal injury action that you talked
21 14:34:49 about, have you been a party to any other lawsuit?

22 14:34:52 A Not that I know of.

23 14:34:54 Q In this complaint, you allege that you
24 14:34:56 were fired because of your national origin, correct?

25 14:34:59 A Yes.

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1 S. Abdulrahim Gelardi

2 14:35:00 Q Is this the only bank that you were fired
3 14:35:02 from?

4 14:35:03 A I believe so.

5 14:35:04 Q In what year did you first meet Ronald
6 14:35:21 Rosenblatt?

7 14:35:23 A I want to say 2016.

8 14:35:32 Q It was at the bank, Sterling Bank,
9 14:35:33 correct?

10 14:35:34 A Correct.

11 14:35:35 Q You were an employee at the time you met
12 14:35:37 him, correct?

13 14:35:38 A Correct.

14 14:35:39 Q And he was a customer at the time,
15 14:35:39 correct?

16 14:35:41 A No.

17 14:35:41 Q Why did he come into the bank if he was
18 14:35:43 not a customer?

19 14:35:45 A Because he would collect a check from
20 14:35:48 directly across the street from the bank, from an
21 14:35:52 attorney by the name of Bruce Povman and no one
22 14:35:57 would help him cash checks. I guess he went
23 14:35:59 bank-hopping and I helped him.

24 14:36:03 Q Your testimony is that Ronald Rosenblatt
25 14:36:06 walked into Sterling Bank on behalf of someone else,

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1 S. Abdulrahim Gelardi

2 14:36:09 not as a customer himself personally, correct?

3 14:36:12 A No. On behalf himself, but he was not a
4 14:36:17 customer at the time.

5 14:36:18 Q He was merely someone who was not a
6 14:36:21 customer seeking to cash a check?

7 14:36:23 A Correct.

8 14:36:24 Q Did you assist him with cashing that
9 14:36:26 specific check?

10 14:36:27 A Yes. I don't recall. I believe so.

11 14:36:30 Q Is that the only check he ever came in to
12 14:36:33 cash or did he routinely come in?

13 14:36:34 A It became a routine.

14 14:36:36 Q What is the nature of the checks that he
15 14:36:39 came in to cash, to your knowledge?

16 14:36:41 A To my knowledge, I believe he claimed he
17 14:36:44 was consulting with attorneys and they would give
18 14:36:50 him a check and he had no way of cashing it.

19 14:36:57 Q Did you seek to have Ronald Rosenblatt
20 14:37:03 become a customer of Sterling National Bank and open
21 14:37:05 an account for him?

22 14:37:07 A Yes.

23 14:37:07 Q Did he open an account in 2016?

24 14:37:11 A I believe so.

25 14:37:13 Q How would you describe your relationship

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1

S. Abdulrahim Gelardi

2

14:37:15 with Mr. Ronald Rosenblatt at that time in 2016?

3

14:37:21 A At that time, I had sympathy for him.

4

14:37:24 Q Why did you have sympathy for him?

5

14:37:29 A Have you met Ronald?

6

14:37:30 Q I have not. Please explain in your own

7

14:37:32 words.

8

14:37:33 A I felt sorry for him. He was an older

9

14:37:36 man. He was -- he was -- for lack of better words,

10

14:37:43 looked like he was beat up from life. I felt sorry

11

14:37:47 for him.

12

14:37:48 Q One of the ways you sought to help him was

13

14:37:51 to open a bank account for him, correct?

14

14:37:54 A No. I had to open a bank account for him

15

14:37:57 because I would no longer cash his checks with him

16

14:38:01 being a noncustomer.

17

14:38:02 Q Why is that?

18

14:38:03 A Because it was the proper thing to do. I

19

14:38:06 can do it once or twice as a courtesy, but then

20

14:38:10 eventually if this is going to be ongoing, I would

21

14:38:13 have to have you become a customer.

22

14:38:17 Q You first entered into a business venture

23

14:38:20 with Ronald in 2017, correct?

24

14:38:24 A I want to say -- I want to say it might

25

14:38:29 have been 2016. I'm not 100 percent sure.

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1 S. Abdulrahim Gelardi

2 14:38:34 Q Whose idea was it to start the venture

3 14:38:37 that you went into with Ronald?

4 14:38:40 A Whose idea to enter the venture?

5 14:38:43 Q Correct.

6 14:38:45 A Vito's.

7 14:38:45 Q How did Vito become involved with your

8 14:38:48 conversation with Ronald?

9 14:38:51 A I would go home and I would tell him, I

10 14:38:54 met this guy and every day he would come and pitch

11 14:38:58 his idea. Every single day he was so passionate

12 14:39:02 about it, he was so passionate about all his ideas.

13 14:39:04 He had so many, but he was passionate more about the

14 14:39:08 Med Mal than anything else, but he regurgitated so

15 14:39:12 many ideas.

16 14:39:13 Q Did you go into business with him because

17 14:39:16 you felt sorry for him?

18 14:39:18 A No. We believed it might have been a good

19 14:39:21 idea.

20 14:39:22 Q When we refer to the good idea, we are

21 14:39:24 referring to the medical malpractice screening

22 14:39:28 business?

23 14:39:28 A Correct.

24 14:39:32 Q At that time in 2016 when you met Ronald

25 14:39:35 Rosenblatt, you had no prior medical background,

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1

S. Abdulrahim Gelardi

2

14:39:38 correct?

3

14:39:39 A No.

4

14:39:40 Q No prior nursing background, correct?

5

14:39:43 A Correct.

6

14:39:43 Q No prior legal background; is that right?

7

14:39:46 A Yes.

8

14:39:47 Q Similarly, no paralegal background, right?

9

14:39:50 A Correct.

10

14:39:53 Q You also had no prior exposure to medical

11

14:39:57 malpractice case, correct?

12

14:39:59 A Correct.

13

14:40:03 Q Would you agree with me that in order to

14

14:40:05 properly screen a medical malpractice case that you

15

14:40:09 would effectively be giving legal advice?

16

14:40:15 A No. I don't think it would be -- it would

17

14:40:18 be coming from a physician, a doctor. Not from me,

18

14:40:21 I never screened a case.

19

14:40:23 Q What is it that you did in the venture?

20

14:40:26 A I was administrative. I just helped him

21

14:40:29 start the site. I was the business side of it. I

22

14:40:34 would have no knowledge of how to screen a case.

23

14:40:38 Q Would it be fair to say that in order to

24

14:40:41 properly screen a medical malpractice case, Ronald

25

14:40:44 Rosenblatt would effectively be giving medical

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1 S. Abdulrahim Gelardi

2 14:40:47 advice?

3 14:40:49 A No.

4 14:40:50 MR. WARNER: Objection. Calls for an

5 14:40:50 expert conclusion. You can answer.

6 14:40:54 A No. It was not medical advice. The whole

7 14:40:56 thing was built around -- this is not medical

8 14:41:00 advice. You don't need HIPAA to be a part of this

9 14:41:03 idea of his. He had it all planned out. He just

10 14:41:07 needed someone to listen to him maybe.

11 14:41:11 Obviously, Daniella listened to him

12 14:41:12 as well because she did the same thing. It was

13 14:41:19 about -- let me try to recall. To the best of my

14 14:41:23 recollection, it was only giving an expert opinion

15 14:41:29 on whether or not the case could be potential

16 14:41:36 malpractice. It was never medical or legal advice

17 14:41:38 and it was based on whatever the client's -- the

18 14:41:43 information that the client inputted, but we were

19 14:41:48 not giving any medical advice whatsoever.

20 14:41:51 MR. KATAEV: Move to strike as

21 14:41:52 nonresponsive concerning the portion of the

22 14:41:55 answer from that testimony concerning Daniella

23 14:41:57 Levi.

24 14:41:57 BY MR. KATAEV:

25 14:41:59 Q With respect to Ronald Rosenblatt, do you

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1 S. Abdulrahim Gelardi

2 14:42:04 have any knowledge as to whether he is a licensed
3 14:42:05 medical professional or doctor?

4 14:42:08 A He did tell me he lost his license to
5 14:42:13 practice medicine.

6 14:42:14 Q He told you that before entering into the
7 14:42:16 medical malpractice screening business, correct?

8 14:42:19 A Correct.

9 14:42:20 Q You knew he had no license to serve as a
10 14:42:24 doctor in conducting this business, correct?

11 14:42:26 MR. WARNER: Objection to form. That's
12 14:42:28 not what she said. She said he lost his
13 14:42:31 license to practice medicine.

14 14:42:34 MR. KATAEV: I'm going to caution you,
15 14:42:34 Counselor, about Rule 30 and speaking
16 14:42:34 objections. I believe you say, Objection and
17 14:42:34 the basis and that's it.

18 14:42:35 Please answer the question.

19 14:42:39 A Read the question.

20 14:42:40 (Whereupon, the referred to question was read back
21 14:42:40 by the reporter.)

22 14:42:40 BY MR. KATAEV:

23 14:43:05 Q He told you that he didn't have a license
24 14:43:07 to serve as a doctor before entering the medical
25 14:43:10 malpractice screening business, correct?

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1 S. Abdulrahim Gelardi

2 14:43:12 A No. He said to me he surrendered his

3 14:43:15 license voluntarily.

4 14:43:19 Q Don't you think he should have had a

5 14:43:21 medical license in order to be giving the advice

6 14:43:23 that he sought to give in this medical malpractice

7 14:43:27 screening business?

8 14:43:28 MR. WARNER: Objection.

9 14:43:28 A There was no medical advice given. It was

10 14:43:32 expert opinion based on the information the client

11 14:43:37 gave us. To have an expert opinion, you do not need

12 14:43:40 to give medical advice.

13 14:43:44 Q As far as you're concerned, a doctor

14 14:43:48 without a license can provide an expert opinion?

15 14:43:52 A Can a lawyer give an expert opinion on

16 14:43:55 medical?

17 14:43:55 Q I need an answer to the question, please.

18 14:43:58 A I'm sorry, repeat the question, please.

19 14:44:00 (Whereupon, the referred to question was read back

20 14:44:00 by the reporter.)

21 14:44:09 A Yes. To my knowledge, I believe he can.

22 14:44:13 Q In terms of your initial meeting with

23 14:44:16 Ronald Rosenblatt, that occurred at the bank,

24 14:44:18 correct, in person?

25 14:44:20 A Yes.

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1 S. Abdulrahim Gelardi

2 14:44:22 Q What was the timeline of events, how did
3 14:44:26 you go from meeting with him at the bank to entering
4 14:44:31 into this venture with him? Did you have weekly
5 14:44:34 meetings? Did you start getting on the phone? Were
6 14:44:36 you exchanging emails? Can you give me a detailed
7 14:44:38 sort of timeline of how your relationship with him
8 14:44:43 progressed in terms of communicating about this
9 14:44:45 business venture?

10 14:44:48 A I want to say, to the best of my
11 14:44:50 recollection, he might have lived in the area
12 14:44:53 because he popped in very often. He came to the
13 14:44:57 bank very often sometimes with no business, no
14 14:45:00 banking business and he would just talk and talk and
15 14:45:06 he wanted someone to please take this idea and do
16 14:45:11 some -- help him, you know, he popped in often.

17 14:45:17 Q Did you exchange emails with him about the
18 14:45:20 medical malpractice screening business?

19 14:45:23 A I believe so, yes.

20 14:45:31 Q You had cellphone calls with him as well?

21 14:45:34 A Yes.

22 14:45:34 Q And text message exchanges?

23 14:45:37 A I believe so.

24 14:45:38 Q Outside of the bank, did you ever hold any
25 14:45:41 meetings with Ronald?

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1 S. Abdulrahim Gelardi

2 14:45:42 A Yes.

3 14:45:43 Q Where would you usually meet outside of
4 14:45:45 the bank?

5 14:45:47 A I want to answer the previous question.

6 14:45:49 We never had meetings in the bank. He would pop in
7 14:45:55 and talk. That's not a meeting.

8 14:45:58 Q Where did you have meetings outside the
9 14:46:00 bank?

10 14:46:00 A We would talk over the phone. He's also
11 14:46:04 come to my residence. We've also been to his
12 14:46:09 residence. We never had a meeting at the bank, but
13 14:46:12 we would -- he would pop in and talk.

14 14:46:15 Q My questions right now on focused on any
15 14:46:19 meetings you had.

16 14:46:20 A The meeting were done outside the bank,
17 14:46:22 Mr. Kataev. Most of the time maybe either in a
18 14:46:25 restaurant or at my home or just random places, but
19 14:46:33 I would say the majority would be at my home.

20 14:46:36 Q You had many meetings with him about this?

21 14:46:40 A A few. Quite a few. I don't recall how
22 14:46:42 many, but yes, we sat and we discussed this idea and
23 14:46:47 we put it together, you know, we met a few times.

24 14:46:54 Q You mentioned a name earlier, Bruce
25 14:46:55 Povman, P-o-v-m-a-n, correct, an attorney?

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1 S. Abdulrahim Gelardi

2 14:47:00 A Yes.

3 14:47:01 Q Is Bruce Povman a -- was Bruce Povman a

4 14:47:05 customer of Sterling Bank at the time you met Ronald

5 14:47:08 Rosenblatt?

6 14:47:09 A I don't know. I'm not sure.

7 14:47:11 Q Did you ever meet Bruce Povman?

8 14:47:14 A I did.

9 14:47:15 Q You met Bruce Povman at his office with

10 14:47:19 Ronald, correct?

11 14:47:20 A Correct.

12 14:47:22 Q Was Bruce Povman in any way involved in

13 14:47:24 your venture with Ronald Rosenblatt?

14 14:47:28 A To my recollection, no, but I know that --

15 14:47:31 I don't know. What I can tell you is Ronald told me

16 14:47:35 he tried to get Bruce Povman to join this venture

17 14:47:40 with him and from the information that Ronald

18 14:47:46 Rosenblatt gave me, Bruce Povman didn't seem he was

19 14:47:50 interested.

20 14:47:50 Q To your knowledge, was Bruce Povman an

21 14:47:52 attorney for Ronald?

22 14:47:55 A For Ronald, no. I don't know.

23 14:47:57 Q Did you have any contract with Ronald

24 14:48:00 Rosenblatt?

25 14:48:01 A No.

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1 S. Abdulrahim Gelardi

2 14:48:01 Q Why is that?

3 14:48:04 A We didn't get to that part.

4 14:48:10 Q The business that you formed with Ronald
5 14:48:12 was call Medmalscreening.com, correct?

6 14:48:17 A Correct.

7 14:48:17 Q Absent your -- as to the written contract
8 14:48:20 between you two, did you have any verbal agreement
9 14:48:23 with him?

10 14:48:26 A I don't remember talking agreement with
11 14:48:28 him. We talked mostly about the business -- about
12 14:48:32 the idea and the screenings and how -- what it is
13 14:48:37 and, you know.

14 14:48:40 Q Is it fair to say that the division of
15 14:48:42 labor between you and Ronald in that business would
16 14:48:45 be that he performed the screenings and you would
17 14:48:47 perform the administrative functions and business
18 14:48:50 development?

19 14:48:51 A To start, yes.

20 14:48:52 Q Did you have any discussions about how
21 14:48:56 each of you would split any profits or revenue that
22 14:49:01 business received?

23 14:49:03 A We did discuss that he would get paid per
24 14:49:09 screening.

25 14:49:10 Q Did he ever discuss with you that you

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1

S. Abdulrahim Gelardi

2

14:49:11 would get a portion of XYZ from each screening fee?

3

14:49:17 A I don't recall the agreement financially.

4

14:49:20 I just know that he didn't contribute anything.

5

14:49:22 That's all I can tell you.

6

14:49:27 Q Contribute, you're referring to financial?

7

14:49:29 A Yes.

8

14:49:29 Q Did you make a personal financial

9

14:49:31 investment in this business?

10

14:49:33 A Yes.

11

14:49:33 Q How much did you invest in this business?

12

14:49:38 A To the best of my recollection maybe

13

14:49:41 around \$50,000.

14

14:49:44 Q Did you recover any amount of your

15

14:49:46 investment?

16

14:49:47 A Very little.

17

14:49:50 Q What's very little; \$1,000, \$10,000?

18

14:49:54 A I don't recall. I just know we were never

19

14:49:57 made whole.

20

14:50:00 Q To your knowledge, you formed that entity

21

14:50:03 with Ronald Rosenblatt in January of '17, correct?

22

14:50:09 A Yes, that puts perspective. I'm not sure,

23

14:50:12 Mr. Kataev, but possibly.

24

14:50:15 Q Did you represent to Ronald that you are a

25

14:50:16 wealthy investor?

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1 S. Abdulrahim Gelardi

2 14:50:20 A No.

3 14:50:21 Q Did you ever represent to him that you
4 14:50:23 successfully financed several businesses?

5 14:50:25 A No.

6 14:50:35 Q When was the first time you heard about
7 14:50:38 IME Watchdog?

8 14:50:39 A When I met Ronald Rosenblatt.

9 14:50:43 Q When specifically; at the bank, after?

10 14:50:45 A When I first met him -- when I first met
11 14:50:49 Ronald Rosenblatt and I cashed his check, he sat
12 14:50:54 down, he just talked and talked and talked about all
13 14:51:00 his genius ideas.

14 14:51:07 Q Is it fair to say that with respect to
15 14:51:11 most of his ideas, you wouldn't ask him any
16 14:51:14 questions about it?

17 14:51:14 A I asked. I asked questions about some of
18 14:51:17 them.

19 14:51:19 Q With respect to the entity that was
20 14:51:22 formed, the Med Mal Screening, you formed that
21 14:51:24 entity, correct?

22 14:51:26 A Yes.

23 14:51:28 Q In terms of the \$50,000, what was it spent
24 14:51:31 on?

25 14:51:32 A Websites, the websites were the major

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1 S. Abdulrahim Gelardi

2 14:51:39 cost. There were two websites. I don't recall what
3 14:51:46 else. I do recall ad words, Google ad words,
4 14:51:56 marketing.

5 14:51:59 Q In terms of the conversations that you had
6 14:52:02 with Ronald Rosenblatt, were there any witnesses
7 14:52:04 that observed the conversation that you had from
8 14:52:08 time to time?

9 14:52:09 A I don't believe so.

10 14:52:11 Q Was Bruce Povman ever a witness to any of
11 14:52:13 the conversations you had with Ronald about this
12 14:52:16 venture?

13 14:52:17 A I don't think.

14 14:52:18 Q What about Adam?

15 14:52:20 A Adam eventually came later.

16 14:52:23 Q When you created the website for Med Mal
17 14:52:26 Screening, did you use a company called Lumina?
18 14:52:28 L-u-m-i-n-a.

19 14:52:31 A Correct.

20 14:52:32 Q How did you come to find that company?

21 14:52:37 A I don't recall if -- I might have looked
22 14:52:39 them up online.

23 14:52:46 Q To your knowledge, how much money did you
24 14:52:49 pay to Lumina for the website for Med Mal Screening?

25 14:52:57 A To the best of my knowledge, I want to say

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1 S. Abdulrahim Gelardi

2 14:53:01 maybe 30 to 40.

3 14:53:03 Q It took a substantial portion of what you
4 14:53:05 invested?

5 14:53:06 A Yes.

6 14:53:07 Q Going back to your conversations with
7 14:53:09 Ronald about IME Watchdog, those conversations took
8 14:53:12 place at Sterling Bank, correct?

9 14:53:15 A Yes, and other places.

10 14:53:18 Q During your conversations with Ronald, did
11 14:53:26 he ever inform you that he offered to partner with
12 14:53:30 Daniella Levi for the medical malpractice business?

13 14:53:34 A He never mentioned he offered to partner.
14 14:53:37 He mentioned that -- he might have mentioned he
15 14:53:41 offered to partner. What he said to me was he went
16 14:53:45 to her with a great idea and he knows her because he
17 14:53:49 was screening cases for her and he came up with this
18 14:53:53 genius idea and she liked it and she kicked him to
19 14:53:58 the curb, his words.

20 14:54:00 Q In other words, she turned him down?

21 14:54:02 A She didn't turn him down. According to
22 14:54:04 him, she stole his idea.

23 14:54:07 Q Do you know any knowledge as to whether
24 14:54:09 Ms. Levi had a medical malpractice screening
25 14:54:12 business?

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1 S. Abdulrahim Gelardi

2 14:54:13 A I believe she does.

3 14:54:15 Q What is the basis for your belief?

4 14:54:18 A I saw it online.

5 14:54:19 Q What did you see online?

6 14:54:21 A I saw Malpractice Watchdog online, I also
7 14:54:24 saw a previous post on Facebook of her Malpractice
8 14:54:29 Watchdog that was posted around 2015.

9 14:54:36 Q Other than that, you have no other reason
10 14:54:38 to know that Daniella Levi actually operates a
11 14:54:41 medical malpractice screening business, correct?

12 14:54:44 A Correct.

13 14:54:48 Q You testified at the Show Cause Hearing
14 14:54:49 that prior to learning about IME Watchdog, you had
15 14:54:56 no idea what the acronym IME stood for, correct?

16 14:54:59 A Correct.

17 14:54:59 MR. KATAEV: Let the record reflect that
18 14:55:01 we have pages 28 to 29 of the Show Cause
19 14:55:05 Hearing on the screen, line 24 on page 28 and
20 14:55:09 line 2 on page 29 confirming that testimony.

21 14:55:10 BY MR. KATAEV:

22 14:55:13 Q What email address did you use to
23 14:55:17 communicate with Ronald Rosenblatt in 2016 going
24 14:55:19 forward?

25 14:55:20 A I believe I primarily used

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1 S. Abdulrahim Gelardi

2 14:55:22 Safagelardi@gmail.com.

3 14:55:25 Q Did you use any other email addresses?

4 14:55:27 A I don't think, but I'm not sure. I have

5 14:55:30 two emails, personal emails. I don't believe I have

6 14:55:34 ever given him my Yahoo email because I don't use it

7 14:55:39 often or for anything important.

8 14:55:55 Q Based on your initial conversation with

9 14:56:00 Ronald, what was your understanding of what the IME

10 14:56:02 Watchdog business is?

11 14:56:06 A Based on my conversations with Ronald

12 14:56:08 Rosenblatt, all he ever mentioned about IME was the

13 14:56:13 idea, how he came up with it, and how Daniella stole

14 14:56:18 it, and then she felt so sorry for him that he said,

15 14:56:23 The least you can do is hire my son since you stole

16 14:56:28 my idea.

17 14:56:44 MR. KATAEV: Move to strike the

18 14:56:44 nonresponsive portions of that answer.

19 14:56:49 BY MR. KATAEV:

20 14:56:50 Q With respect to the Yahoo email, what is
21 14:56:54 that email address?

22 14:56:55 A Safa_1125@yahoo.com.

23 14:57:08 Q What was, to your recollection, Ronald's
24 14:57:13 description of what the business is?

25 14:57:17 A Ronald's description of the IME business

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1 S. Abdulrahim Gelardi

2 14:57:20 or the med mal business?

3 14:57:22 Q The IME business.

4 14:57:24 A Ronald's description of the IME business

5 14:57:26 was a non-attorney would attend with a claimant or

6 14:57:33 plaintiff to an IME exam. It would be a lot

7 14:57:40 cheaper, more efficient for attorneys, and this way

8 14:57:44 the attorney would know what is going on and be able

9 14:57:48 to control what their clients are saying or doing

10 14:57:53 and he just went on about the whole idea.

11 14:57:59 Q Going back to Med Mal Screening, did you

12 14:58:01 ever have an accountant involved with respect to

13 14:58:02 that venture?

14 14:58:03 A I believe my accountant started it for me,

15 14:58:05 yes, formed the corporation.

16 14:58:08 Q That accountant is Five Pillars, right?

17 14:58:10 A Correct.

18 14:58:11 Q Was any attorney ever involved in the

19 14:58:14 venture with Ronald?

20 14:58:15 A No.

21 14:58:16 Q You did, in fact, build a website for the

22 14:58:25 money that you paid, correct?

23 14:58:27 A Yes.

24 14:58:27 Q Is that website still up?

25 14:58:31 A Yes.

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1 S. Abdulrahim Gelardi

2 14:58:31 Q Lumina built it, correct?

3 14:58:33 A Yes.

4 14:58:33 Q You exclusively paid for it with no
5 14:58:37 contribution from Ronald?

6 14:58:40 A Yes.

7 14:58:41 Q To your knowledge, is that business still
8 14:58:43 operating?

9 14:58:44 A It's dormant.

10 14:58:45 Q It become dormant immediately after you
11 14:58:48 stopped in August or September of '17?

12 14:58:52 A Yes.

13 14:58:53 Q To your knowledge, what is the total
14 14:58:55 income generated from that business from its
15 14:58:57 inception up until you ceased working at it?

16 14:59:03 MR. WARNER: Objection. When you say,
17 14:59:03 Income, do you mean general revenue?

18 14:59:04 MR. KATAEV: Revenue.

19 14:59:06 A I want to say maybe a couple of grand.

20 14:59:12 Q \$2,000?

21 14:59:13 A Yeah, minimal. I don't recall.

22 14:59:17 Q To your knowledge, is the entity that you
23 14:59:19 formed with Ronald still in existence?

24 14:59:23 A Yes.

25 14:59:25 Q But you're no longer involved, correct?

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1 S. Abdulrahim Gelardi

2 14:59:28 A Let me go back to your previous question.

3 14:59:30 I never formed it with Ronald. I formed it -- his

4 14:59:34 name is not on the corporation.

5 14:59:37 Q Okay. The revenue that was generated for

6 14:59:45 that business, did it go into a bank account for the

7 14:59:47 entity you formed or did it go elsewhere?

8 14:59:51 A Yes, it went into the bank account for the

9 14:59:53 entity that was formed.

10 14:59:56 Q Ronald was paid out of that?

11 14:59:59 A I believe so. Most -- no, I'm going to

12 15:00:03 say he was from -- it didn't generate money. I was

13 15:00:06 paying him before it even generated money. I was

14 15:00:10 paying him out of my personal funds.

15 15:00:20 Q Other than your conversation with Ronald

16 15:00:23 about your father, did you ever have any

17 15:00:27 communication with him after that conversation?

18 15:00:30 A Yes.

19 15:00:32 Q What did you discuss in the conversation

20 15:00:34 you had after the conversation about your father?

21 15:00:39 A I believe I had -- I believe I only had

22 15:00:42 one conversation with him where I wished him happy

23 15:00:48 birthday.

24 15:00:48 Q Was that by phone, in person, text or

25 15:00:51 email?

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1 S. Abdulrahim Gelardi

2 15:00:52 A By phone. I haven't seen him in years.

3 15:00:55 Q Did the entity that you formed in the

4 15:00:57 venture with Ronald file tax returns in any year?

5 15:01:01 MR. WARNER: Objection to form. She

6 15:01:03 said -- objection to form.

7 15:01:08 A It didn't. I don't recall, but I don't

8 15:01:11 think so.

9 15:01:15 Q As far as you know, do you owe Ronald any
10 15:01:17 money?

11 15:01:18 A I do not.

12 15:01:19 Q For anything arising out of the venture?

13 15:01:22 A No, I do not.

14 15:01:23 Q Have you discussed this lawsuit with
15 15:01:25 Ronald?

16 15:01:26 A No.

17 15:01:28 Q Have you attempted to contact Ronald?

18 15:01:30 A No.

19 15:01:33 Q Do you or Ronald have any financial
20 15:01:35 obligations to each other either regarding the
21 15:01:37 business you went into together or otherwise?

22 15:01:41 A No.

23 15:01:48 Q As you sit here today, you're not
24 15:01:51 currently independently involved in any business
25 15:01:54 that screens medical malpractice cases, correct?

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1 S. Abdulrahim Gelardi

2 15:01:56 A Correct.

3 15:02:01 Q Between the time you left in August or

4 15:02:02 September of '17 from the venture with Ronald up

5 15:02:06 until today, were you ever involved during that time

6 15:02:10 period in medical malpractice screening?

7 15:02:13 A Repeat that question.

8 15:02:19 Q I'll rephrase it and I will break it down.

9 15:02:22 It will be a long question.

10 15:02:24 I know that you stopped working with

11 15:02:25 Ronald in August or September of '17, and I know

12 15:02:29 you're not currently working in that medical

13 15:02:32 malpractice screening business now, but in between

14 15:02:34 those two time periods, did you independently or

15 15:02:37 with anyone else outside of Ronald work in a medical

16 15:02:39 malpractice screening business?

17 15:02:41 A No.

18 15:02:45 Q How do you know an individual named Arnie

19 15:02:47 Baum?

20 15:02:49 A Arnie Baum is the CFO of Subin &

21 15:02:52 Associates.

22 15:02:57 Q Subin & Associates. S-u-b-i-n.

23 15:03:01 When did you first meet Arnie?

24 15:03:05 A I don't recall. Maybe 2018.

25 15:03:08 Q How did you first meet him?

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1 S. Abdulrahim Gelardi

2 15:03:11 A I showed up -- I met him at Subin &

3 15:03:13 Associates, the firm.

4 15:03:15 Q You -- in terms of -- for lack of a better

5 15:03:20 word, instead of a cold call, you appeared at the

6 15:03:25 office?

7 15:03:26 A I don't recall but I believe so.

8 15:03:27 Q Did you have any business relationship

9 15:03:30 with Mr. Baum outside of Subin?

10 15:03:33 A No.

11 15:03:35 Q Did you at any time form any business

12 15:03:38 venture with Arnie Subin?

13 15:03:40 A No.

14 15:03:42 Q Isn't it true that you formed the entity

15 15:03:45 Med Mal I USA, LLC with Mr. Baum?

16 15:03:49 A No.

17 15:03:49 Q Did Arnie Baum become a shareholder or

18 15:03:58 member at any point after you formed this LLC?

19 15:03:59 A No.

20 15:03:59 MR. WARNER: Which LLC are you referring

21 15:03:59 to?

22 15:03:59 MR. KATAEV: Med Mal I USA, LLC. When I

23 15:03:59 say one, it's the Roman numeral one.

24 15:04:00 Q The answer is no?

25 15:04:00 A Yes.

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1 S. Abdulrahim Gelardi

2 15:04:15 Q Same question with respect to Mr. Baum's

3 15:04:16 wife, did she ever become a shareholder or member at

4 15:04:19 any point after you formed this LLC?

5 15:04:23 A No.

6 15:04:26 Q Do you have any independent business

7 15:04:27 dealings with Arnie Baum outside of his role at

8 15:04:30 Subin?

9 15:04:31 A No.

10 15:04:37 Q When was the first time you met Adam?

11 15:04:40 A I met Adam when I was working with his

12 15:04:44 father.

13 15:05:12 Q How did the meeting with Adam come about?

14 15:05:17 A During the time that I was working with

15 15:05:20 Ronald, he spoke about his son a lot. He spoke

16 15:05:24 about how abused he is by Daniella Levi. He spoke

17 15:05:29 about how humiliated he is by Daniella Levi. He

18 15:05:32 spoke about how much help he needs. Ronald

19 15:05:35 Rosenblatt just speaks.

20 15:05:48 Q What was discussed at your first meeting

21 15:05:50 with Adam following Ronald's discussion about Adam?

22 15:05:55 MR. KATAEV: Move to strike the

23 15:05:55 nonresponsive portions of that testimony. The

24 15:05:59 prior testimony?

25 15:06:00 Reread the question.

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1 S. Abdulrahim Gelardi

2 15:06:05 (Whereupon, the referred to question was read back
3 15:06:05 by the reporter.)

4 15:06:27 A Are you asking me what was discussed the
5 15:06:29 first time I've met Adam?

6 15:06:32 Q Correct.

7 15:06:32 A So the first time I met Adam nothing was
8 15:06:35 discussed. It was an introduction.

9 15:06:40 Q Prior to you first meeting Adam, was there
10 15:06:43 any stated purpose for meeting with him?

11 15:06:48 A His father, Ronald Rosenblatt, wanted me
12 15:06:52 to meet with him. He mentioned it over and over and
13 15:06:55 over again that he wanted me to meet with his son so
14 15:06:59 that I can help his son -- in Ronald word's, get out
15 15:07:06 of the grip of Daniella Levi.

16 15:07:09 Q When you met Adam, did Adam echo those
17 15:07:13 words?

18 15:07:14 A Yes.

19 15:07:14 Q What did Adam say?

20 15:07:16 A Very bad things, really horrible things.

21 15:07:21 Q What did you say in response?

22 15:07:24 A When I first met him, I said, I can't do
23 15:07:27 this now. It's an introduction. I said, Listen, I
24 15:07:31 can't do this right now, I have to go back to work.
25 15:07:33 It was just complaints.

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1 S. Abdulrahim Gelardi

2 15:07:35 Q When was this?

3 15:07:37 A The first time I met Adam?

4 15:07:40 Q Yes.

5 15:07:40 A I don't recall, Mr. Kataev. It was in the

6 15:07:44 interim, the timeframe that I was working with

7 15:07:47 Ronald.

8 15:07:49 Q Would it be fair to say you first met Adam

9 15:07:52 in 2017?

10 15:07:55 A Yes, that would be a fair statement.

11 15:07:58 Q Do you recall in relation to that when you

12 15:08:00 formed Med Mal USA I, LLC?

13 15:08:10 A I didn't understand the question.

14 15:08:11 Q Let me take a step back.

15 15:08:13 Med Mal I USA, LLC is the entity that

16 15:08:15 you formed to do the medical malpractice screening

17 15:08:18 business with Ronald or was it a different entity

18 15:08:23 that you formed?

19 15:08:25 A It was the Med Mal. I do recall there was

20 15:08:27 Med Mal USA and Med Mal I USA. It had nothing to do

21 15:08:34 with any other partnerships. I think there was an

22 15:08:37 error in the filing so we had to use the one to

23 15:08:40 refile. Something like that.

24 15:08:44 Q Both of those entities are entities in

25 15:08:47 which you are the sole member?

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1 S. Abdulrahim Gelardi

2 15:08:49 A Correct.

3 15:08:50 Q You formed those entities with your
4 15:08:51 accountant, both of them?

5 15:08:55 A I believe so.

6 15:08:56 Q My question is in relation to your first
7 15:08:58 meeting with Adam, you formed both of those entities
8 15:09:01 before, right?

9 15:09:02 A Yes, I believe so.

10 15:09:08 Q Is it fair to say that as a result of the
11 15:09:11 conversations that occurred between you, Ronald and
12 15:09:13 Adam, that you conditioned your continuing
13 15:09:18 partnership with Ronald on the medical malpractice
14 15:09:19 screening on him setting up a meeting with you and
15 15:09:24 Adam?

16 15:09:25 A No.

17 15:09:25 MR. WARNER: Objection. You can answer.

18 15:09:28 A Untrue.

19 15:09:29 Q Prior to your meeting with Adam, did you
20 15:09:31 ask Ronald questions about Adam?

21 15:09:34 A No.

22 15:09:40 Q When you first met Adam, is it --
23 15:09:43 withdrawn.

24 15:09:45 When you first met Adam, were the
25 15:09:47 only participants in the meeting you, Adam and

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1 S. Abdulrahim Gelardi

2 15:09:50 Ronald?

3 15:09:53 A Correct.

4 15:09:56 Q On the day that you formed the medical

5 15:10:00 malpractice screening LLC, did you form any other

6 15:10:05 business entities?

7 15:10:06 A Not that I recall.

8 15:10:14 Q At the meeting with Adam, did you ask him

9 15:10:16 questions about IME Watchdog?

10 15:10:18 A No.

11 15:10:22 Q Based on what you learned about IME

12 15:10:25 Watchdog, is it fair to say you wanted to open a

13 15:10:31 business like that yourself?

14 15:10:33 A Repeat that.

15 15:10:33 MR. KATAEV: Read it back.

16 15:10:35 (Whereupon, the referred to question was read back

17 15:10:35 by the reporter.)

18 15:10:49 MR. WARNER: Objection to form. You can

19 15:10:49 answer.

20 15:10:52 A Yes, I believe that's a fair statement.

21 15:10:54 I'm not sure.

22 15:10:55 Q That was after you learned about the

23 15:10:57 business, correct?

24 15:10:58 A Correct.

25 15:10:59 Q Did Adam Rosenblatt ever meet your

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1 S. Abdulrahim Gelardi

2 15:11:02 accountant at Five Pillars?

3 15:11:04 A No.

4 15:11:05 Q What about Ronald?

5 15:11:06 A No.

6 15:11:09 Q It's also fair to say that you were
7 15:11:10 attracted to the idea of starting your own business
8 15:11:14 and being your own boss, correct?

9 15:11:16 A Yes.

10 15:11:24 Q In terms of opening up an IME observer
11 15:11:27 business, did you believe you could do that by
12 15:11:30 yourself?

13 15:11:34 A Yes, I did.

14 15:11:35 Q That's true even though you don't have
15 15:11:39 real knowledge about the personal injury field?

16 15:11:41 A Yes, I did.

17 15:11:43 Q How would you go about -- withdrawn.

18 15:11:47 Did you and Adam Rosenblatt --

19 15:11:48 withdrawn.

20 15:11:52 Did you ever connect Adam Rosenblatt
21 15:11:55 to your accountant by phone, email or otherwise?

22 15:11:59 A I don't believe so, no.

23 15:12:07 Q When you met Adam, you knew that he was
24 15:12:09 the president of IME Watchdog, correct?

25 15:12:13 A No. I knew that he was an employee of

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1 S. Abdulrahim Gelardi

2 15:12:16 Watchdog.

3 15:12:34 Q Once you formed an interest in opening up
4 15:12:36 a competing IME business, did you make promises to
5 15:12:41 Adam in exchange for him helping set up the
6 15:12:44 competing business?

7 15:12:45 A No.

8 15:12:46 Q Did Adam give can you his business card
9 15:12:48 when you first met him?

10 15:12:51 A No. Not to my recollection, no.

11 15:12:57 Q You had discussions with Adam about
12 15:13:00 partnering up together in a competing business,
13 15:13:02 correct?

14 15:13:10 A What was the question?
15 15:13:11 (Whereupon, the referred to question was read back
16 15:13:11 by the reporter.)

17 15:13:19 A I have to say no, we never discussed
18 15:13:23 partnership.

19 15:13:25 Q What, if any, discussions did you have
20 15:13:27 about a competing business in which both of you are
21 15:13:31 participating?

22 15:13:33 A We met with Adam once at a restaurant. I
23 15:13:39 told my husband, The guy is -- he wants to meet with
24 15:13:44 us, you want to hear him out. We decided to meet
25 15:13:48 with him to hear him out, to hear what he has to

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1 S. Abdulrahim Gelardi

2 15:13:52 say. That's all it was.

3 15:13:54 Q What did he say to you and what did you
4 15:13:56 say to him?

5 15:13:57 A Nothing was said. All they did was bash
6 15:14:00 Daniella Levi at that meeting, everybody.

7 15:14:10 Q But at some point, did you ask details
8 15:14:13 about the business?

9 15:14:15 A We never got a chance to. They showed up,
10 15:14:17 a crowd, we didn't talk any business. It was just
11 15:14:22 eating and drinking and bashing and complaining.

12 15:14:29 Q Did you ever offer Adam an equity stake in
13 15:14:32 the new venture for an IME observer business?

14 15:14:35 A No.

15 15:14:36 Q Did you ever promise Adam that you would
16 15:14:46 finance the entire venture if he went into business
17 15:14:50 with you in a competing business?

18 15:14:52 A No.

19 15:14:55 Q Did you ever represent to Adam that you
20 15:14:57 and Vito are very wealthy and can finance a
21 15:15:00 business?

22 15:15:01 A No.

23 15:15:02 Q Did you ever tell Adam that you owned the
24 15:15:04 church where you were living and were supers there?

25 15:15:17 A No.

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1 S. Abdulrahim Gelardi

2 15:15:17 MR. WARNER: I'm sorry, owned the church?

3 15:15:17 MR. KATAEV: Owned the church where you

4 15:15:17 were living and served as supers there. Answer

5 15:15:17 was, no.

6 15:15:17 BY MR. KATAEV:

7 15:15:18 Q Is it true that you once lived in a church
8 15:15:20 and served as a super there?

9 15:15:22 A We never served as supers. We did live in
10 15:15:28 a church.

11 15:15:29 Q Did you serve as custodians while living
12 15:15:31 in the church?

13 15:15:32 A I did not serve as anything for the
14 15:15:34 church.

15 15:15:35 Q Did you get paid by the church while you
16 15:15:37 were living there?

17 15:15:38 A No.

18 15:15:38 Q Did the church pay rent?

19 15:15:41 A To who?

20 15:15:43 Q To you or Vito as property owners?

21 15:15:51 A I'm not understanding your question,
22 15:15:53 Mr. Kataev.

23 15:15:54 Q I'll withdraw it.

24 15:15:55 Did you ever tell Adam that you built
25 15:15:58 and financed many business ventures?

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1 S. Abdulrahim Gelardi

2 15:16:00 A No.

3 15:16:00 Q Did you ever tell Adam that you promised
4 15:16:02 to make him a millionaire?

5 15:16:04 A No.

6 15:16:07 Q Did you ever tell Adam that he was wasting
7 15:16:09 his life working for Daniella Levi when he could be
8 15:16:13 the owner of his own business?

9 15:16:16 A I might have said something like that,
10 15:16:18 yes.

11 15:16:19 Q Why did you say that?

12 15:16:20 A Because he didn't have to stay and be
13 15:16:22 abused and humiliated if he didn't want to. He
14 15:16:28 could leave. It was a human conversation.

15 15:16:31 Q Following those conversations that you
16 15:16:33 allege happened, did you offer anything to Adam in
17 15:16:37 terms of going into business together on a competing
18 15:16:40 business?

19 15:16:42 A No.

20 15:16:44 Q You state that Adam was humiliated. How
21 15:16:48 was he humiliated?

22 15:16:51 A According to Adam, he was belittled and
23 15:16:55 yelled at and treated horribly and Daniella was
24 15:17:00 horrible to him and just complaint after complaint.
25 15:17:03 He cried, literal tears over and over and over,

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1 S. Abdulrahim Gelardi

2 15:17:08 literal. I believed him.

3 15:17:14 Q Did you tell Adam that in order for you to
4 15:17:17 be involved in this business, you need more
5 15:17:19 information to learn about it?

6 15:17:21 A No.

7 15:17:26 Q Did you offer Adam cash in exchange for
8 15:17:29 information on the IME Watchdog business model?

9 15:17:34 A No.

10 15:17:37 Q You first met with Adam in April of 2017,
11 15:17:38 correct?

12 15:17:41 A I don't recall exactly.

13 15:17:47 Q In April 2017, Adam met with you and
14 15:17:50 provided you confidential information about IME
15 15:17:54 Watchdog, correct?

16 15:17:56 A I'm not -- what was the question, please?
17 15:17:58 (Whereupon, the referred to question was read back
18 15:17:58 by the reporter.)

19 15:18:13 A Provided me how?

20 15:18:16 Q Hand to hand.

21 15:18:17 A No.

22 15:18:19 Q Did Adam provide you this information in
23 15:18:23 any other way?

24 15:18:25 A Adam started sending emails after emails
25 15:18:28 after emails. That was the only form of -- that was

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1 S. Abdulrahim Gelardi

2 15:18:38 the only way that he gave me information.

3 15:18:43 Q After he provided you this information,
4 15:18:44 did you pay him \$5,000 in cash?

5 15:18:47 A Absolutely not.

6 15:18:48 Q Are you aware that Adam testified that you
7 15:18:52 paid him with cash for this information?

8 15:18:55 A I don't care.

9 15:18:56 Q Why would Adam have any reason to lie
10 15:19:00 about being paid in cash for this information?

11 15:19:01 A Adam is a pathological liar, it turns out
12 15:19:05 to be.

13 15:19:08 Q Do you recall reading Adam Rosenblatt's
14 15:19:09 affidavit in this case dated April 20, 2022?

15 15:19:15 A I do recall reading. I don't recall
16 15:19:16 everything in it.

17 15:19:17 Q Why do you think he would confess to
18 15:19:21 receiving a cash bribe from you if he never received
19 15:19:24 it?

20 15:19:25 MR. WARNER: Objection to form.

21 15:19:26 A You want to know what I think? What I
22 15:19:27 think is he was blackmailed by you guys because no
23 15:19:32 cash was ever given ever.

24 15:19:37 Q Even after you formed Companions and Adam
25 15:19:41 stayed with IME Watchdog, he still routinely

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1 S. Abdulrahim Gelardi

2 15:19:43 provided you with various documents and information,

3 15:19:43 correct?

4 15:19:46 A Routinely, no.

5 15:19:49 MR. KATAEV: Let's mark this as 6.

6 15:19:51 (Plaintiff's Exhibit 6, Marked for Identification.)

7 15:19:58 MR. KATAEV: Let's go off the record.

8 15:20:01 THE VIDEOGRAPHER: The time is 3:19 p.m.

9 15:20:02 We are going off the record.

10 15:20:05 (Whereupon, an off-the-record discussion was held.)

11 15:32:56 THE VIDEOGRAPHER: The time is 3:33 p.m.

12 15:33:09 We are back on the record.

13 15:33:13 BY MR. KATAEV:

14 15:33:15 Q I have placed in front of you,

15 15:33:16 Ms. Gelardi, was has been marked as Plaintiff's

16 15:33:19 Exhibit 6. I will represent to you it's an email

17 15:33:22 from Adam to you dated June 28, 2017. Do you

18 15:33:27 recognize this email?

19 15:33:29 A Vaguely.

20 15:33:31 Q In this email, Adam is asking you for your

21 15:33:34 thoughts on a structure for compensation to be

22 15:33:40 received between him and you in a competing IME

23 15:33:44 observer business, correct?

24 15:33:50 A I don't think so, Mr. Kataev.

25 15:33:52 Q What is the nature of this email?

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1 S. Abdulrahim Gelardi

2 15:33:54 A I have no idea.

3 15:33:55 Q Why would Adam send you an email asking
4 15:33:58 what your thoughts are on a compensation structure?

5 15:34:02 A You know, as a matter of fact, I do recall
6 15:34:06 this. He was talking to an investigator in
7 15:34:09 California and he asked me for my thoughts on this
8 15:34:15 structure. He was going to start the IME business
9 15:34:17 with a different gentleman other than the
10 15:34:22 chiropractor, with someone from California who he
11 15:34:26 stated was his friend and is willing to do it with
12 15:34:29 him.

13 15:34:29 Q This is the same chiropractor you spoke
14 15:34:32 about previously?

15 15:34:33 A No, sir. No. This is someone completely
16 15:34:35 new.

17 15:34:36 Q In California?

18 15:34:37 A Yes, I do recall him saying it's his
19 15:34:41 friend in California.

20 15:34:42 Q That individual in California is also a
21 15:34:45 chiropractor?

22 15:34:46 A No. Just someone. He never mentioned
23 15:34:49 what he did. I think he said he was in finance.

24 15:34:52 Q What did you do when you received this
25 15:34:54 email?

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1 S. Abdulrahim Gelardi

2 15:34:55 A I don't think I did anything with it.

3 15:34:57 Q Did you respond to the email?

4 15:34:58 A I don't think so.

5 15:34:59 Q Did you call him about this email?

6 15:35:01 A I don't think so. I don't recall. I do

7 15:35:02 recall him explaining there was a friend of his in

8 15:35:06 California who was willing to go into business with

9 15:35:09 him.

10 15:35:12 Q Your testimony as you sit here today is

11 15:35:15 you never offered Adam a sliding scale of salary

12 15:35:18 versus equity in a competing venture, correct?

13 15:35:22 A Absolutely not.

14 15:35:37 MR. KATAEV: Mark this as 7.

15 15:35:40 (Plaintiff's Exhibit 7, Marked for Identification.)

16 15:35:57 (Witness perusing document.)

17 15:35:57 BY MR. KATAEV:

18 15:36:36 Q All right, I have handed you what has been

19 15:36:42 marked as Plaintiff's Exhibit 7. I will represent

20 15:36:45 to you that it is a April 28, 2017 email from Adam

21 15:36:50 to you containing the profit and loss statements of

22 15:36:53 IME Watchdog for calendar years 2014, 2015 and 2016.

23 15:37:00 Do you recognize this email?

24 15:37:03 A Vaguely, yes.

25 15:37:06 Q This email was sent following your first

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1 S. Abdulrahim Gelardi

2 15:37:08 meeting with Adam, correct?

3 15:37:14 A My first meeting with Adam was an
4 15:37:15 introduction.

5 15:37:20 Q This email was sent following your meeting
6 15:37:23 at the restaurant with a whole bunch of other people
7 15:37:27 who were bashing Daniella, correct?

8 15:37:30 A Honestly, I don't recall but it's
9 15:37:33 possible, but I don't recall.

10 15:37:34 Q The email says, Good evening Safa. As per
11 15:37:39 our discussion attached please find the P&L for IME
12 15:37:42 Watchdog for the last three years; do you see that?

13 15:37:44 A Yes.

14 15:37:45 Q When he refers to the discussion, he's
15 15:37:47 referring to the fact that you had asked him for
16 15:37:49 these reports, correct?

17 15:37:51 A Wrong.

18 15:37:51 Q What is he referring to when he says, As
19 15:37:55 per our discussion?

20 15:37:56 A I have no idea.

21 15:37:57 Q You don't recall what you discussed with
22 15:37:59 Adam?

23 15:38:00 A I recall that I discussed nothing about
24 15:38:02 the business yet, but a hello and we will see and we
25 15:38:05 will think about it. There was nothing discussed.

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1 S. Abdulrahim Gelardi

2 15:38:08 Q Adam just randomly sent you three years
3 15:38:13 worth of profit and loss statements?

4 15:38:16 A Yes.

5 15:38:16 Q He continues in the email, I would like
6 15:38:18 for you to really understand this company could have
7 15:38:20 achieved an even greater success had any
8 15:38:24 reinvestment been made or if a serious marketing
9 15:38:27 strategy been established; do you see that?

10 15:38:31 A I do.

11 15:38:33 Q What is your understanding as to why he's
12 15:38:34 telling you this?

13 15:38:35 A Adam just tells people stuff.

14 15:38:41 Q Did you review the attachments in this
15 15:38:44 email?

16 15:38:45 A Yes.

17 15:38:46 Q You reviewed them on the same day or
18 15:38:48 within a couple of days of receiving the email?

19 15:38:51 A I don't recall.

20 15:38:59 Q Did you see that in calendar year 2016,
21 15:39:02 IME Watchdog had gross revenues of nearly
22 15:39:05 one million dollars?

23 15:39:08 A I don't recall but yes.

24 15:39:11 Q Did you see in the preceding year of 2015,
25 15:39:15 IME Watchdog had gross revenues of \$835,000?

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2 15:39:24 A Yes, I see that.

3 15:39:25 Q Did you see in the year prior that IME had
4 15:39:29 gross revenues of \$525,000?

5 15:39:33 A Yes.

6 15:39:33 Q When you received this email, did you at
7 15:39:35 any point ever forward it to anybody?

8 15:39:40 A I believe so. I believe I wanted -- I
9 15:39:45 believe I wanted to see if this is factual from a
10 15:39:51 financial expert.

11 15:39:55 Q Who, if anyone, did you send this to?

12 15:39:58 A It had to be maybe my brother, maybe my
13 15:40:01 accountant.

14 15:40:04 Q Anyone else that you can think of that you
15 15:40:06 would send this to?

16 15:40:07 A No.

17 15:40:08 Q Are you specifically denying that you sent
18 15:40:09 it to anyone else?

19 15:40:11 A I'm not specifically denying. I'm saying
20 15:40:13 I don't recall sending it to anyone other than if I
21 15:40:16 did, it would have been maybe my accountant.

22 15:40:21 Q Why is it that you wanted to determine
23 15:40:23 whether this was factually accurate?

24 15:40:29 A Why did I want to -- repeat that.

25 15:40:32 (Whereupon, the referred to question was read back

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2 15:40:32 by the reporter.)

3 15:40:43 A Because it's interesting.

4 15:40:46 Q It did pique your interest, correct?

5 15:40:49 A Yes.

6 15:40:50 Q You were first -- withdrawn.

7 15:40:52 Your interest was first piqued in

8 15:40:54 this business upon receiving these P&Ls, correct?

9 15:40:58 A I would say, yes.

10 15:41:22 MR. KATAEV: Let's mark this as 8.

11 15:41:25 (Plaintiff's Exhibit 8, Marked for Identification.)

12 15:41:27 BY MR. KATAEV:

13 15:41:45 Q I have handed to you, Ms. Gelardi, what

14 15:41:48 has been marked as Plaintiff's Exhibit 8, and I will

15 15:41:51 represent to you these are certified copies by the

16 15:41:55 New York State Department of State of the

17 15:41:58 Certificate of Corporation of IME Guarddog, Inc.

18 15:42:08 which was formed -- withdrawn.

19 15:42:09 Do you recognize this document?

20 15:42:10 A No.

21 15:42:14 Q On the second page of this document it

22 15:42:21 says the name of this corporation is IME Guarddog,

23 15:42:23 Inc.; do you see that?

24 15:42:25 A Yes.

25 15:42:28 Q The corporation designated Five Pillars as

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1 S. Abdulrahim Gelardi

2 15:42:32 the service of process address in paragraph five; do
3 15:42:38 you see that?

4 15:42:39 A Yes.

5 15:42:40 Q Five Pillars is your accounting firm,
6 15:42:42 correct?

7 15:42:43 A My previous, yes.

8 15:42:44 Q Who is your current accounting firm?

9 15:42:48 A My current accounting firm is Greg Elisito
10 15:42:50 & Associates.

11 15:42:54 Q When did you make the change to a
12 15:42:56 different accounting firm?

13 15:42:58 A I want to say two-and-a-half, maybe three
14 15:43:01 years ago, two, three years ago.

15 15:43:03 Q Weeks or years?

16 15:43:05 A Years.

17 15:43:06 Q What was the reason you switched from Five
18 15:43:11 Pillars to the new firm?

19 15:43:13 A I just believed -- I believe Five Pillars
20 15:43:18 was a tax preparer. I didn't think he was an
21 15:43:23 accountant. We wanted to get a CPA.

22 15:43:27 Q If you look at the last page of this
23 15:43:29 document, it says that Adam Rosenblatt is the
24 15:43:32 incorporator of this business, correct?

25 15:43:35 A Yes.

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2 15:43:37 Q Do you know whether Adam Rosenblatt is
3 15:43:39 aware of this document?

4 15:43:42 A I'm not aware of this document.

5 15:43:44 Q You deny forming this entity?

6 15:43:46 A I completely deny forming this entity.

7 15:44:14 Q On the bottom of page three, it says that
8 15:44:17 this Certification of Incorporation was filed with
9 15:44:20 the New York State Department of State on May 4th of
10 15:44:24 2017, correct?

11 15:44:25 A I see that.

12 15:44:28 Q This is exactly or approximately one week
13 15:44:33 prior to the email you received from Adam; is that
14 15:44:33 right?

15 15:44:34 A If you say so.

16 15:44:36 Q Well --

17 15:44:37 MR. WARNER: We will stipulate that the
18 15:44:39 email is dated April 28th.

19 15:44:40 BY MR. KATAEV:

20 15:44:42 Q This entity was formed on May 4th in the
21 15:44:44 same year, correct?

22 15:44:47 A Correct.

23 15:44:47 Q You deny forming this entity?

24 15:44:49 A Completely.

25 15:44:49 Q Even though this is your accounting firm?

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1 S. Abdulrahim Gelardi

2 15:44:52 A Yes.

3 15:45:18 MR. KATAEV: Let's mark this as 9.

4 15:45:20 (Plaintiff's Exhibit 9, Marked for Identification.)

5 15:45:34 (Witness perusing document.)

6 15:45:34 BY MR. KATAEV:

7 15:45:43 Q I have handed to you what has been marked

8 15:45:46 as Plaintiff's Exhibit 9. It is similarly a

9 15:45:49 certified copy of the Certificate of Incorporation

10 15:45:50 for Med Mal I USA, Inc., which was also formed --

11 15:45:53 withdrawn.

12 15:45:53 Do you recognize this document?

13 15:45:59 A Yes.

14 15:46:01 Q You formed this entity, correct?

15 15:46:04 A Yes.

16 15:46:05 Q This entity was formed on May 4, 2017,

17 15:46:07 correct?

18 15:46:08 A Yes.

19 15:46:09 Q It was formed by your accounting firm,

20 15:46:13 Five Pillars, correct?

21 15:46:14 A Correct.

22 15:46:15 Q On the same day that IME Guarddog was

23 15:46:17 formed, correct?

24 15:46:21 A Yes.

25 15:46:24 MR. KATAEV: This is 10.

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1 S. Abdulrahim Gelardi

2 15:46:25 (Plaintiff's Exhibit 10, Marked for Identification.)

3 15:46:47 (Witness perusing document.)

4 15:46:47 BY MR. KATAEV:

5 15:46:48 Q I have handed to you what has been marked

6 15:46:51 as Plaintiff's Exhibit 10. It's a publicly

7 15:46:53 available web page listing public information

8 15:46:57 concerning corporations and this particular document

9 15:47:02 is about V&S Holdings 1, Inc. Do you recognize this

10 15:47:07 document?

11 15:47:08 A Yes.

12 15:47:08 Q This is an entity that you and your

13 15:47:11 husband own?

14 15:47:12 A Yes.

15 15:47:12 Q You also formed this entity on May 4,

16 15:47:15 2017, correct?

17 15:47:16 A Yes.

18 15:47:17 Q The registered address is the same address

19 15:47:18 as your accounting firm, correct?

20 15:47:20 A Yes.

21 15:47:21 Q That's Five Pillars, correct?

22 15:47:23 A Yes.

23 15:47:23 Q Is it fair to say that Five Pillars opened

24 15:47:25 all three entities on the same date?

25 15:47:28 A That's what it looks like.

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1 S. Abdulrahim Gelardi

2 15:47:29 Q You asked them to open these three

3 15:47:31 companies, correct?

4 15:47:33 A No.

5 15:47:33 Q You didn't ask them to open any of those

6 15:47:36 companies?

7 15:47:37 A I didn't ask them to open IME Guarddogs.

8 15:47:41 Q You asked them to open up V&S and Med Mal?

9 15:47:45 A Correct.

10 15:47:45 Q You deny forming IME Guarddog, correct?

11 15:47:47 A I would never form a corporation in

12 15:47:50 someone else's name.

13 15:47:53 Q You realize you previously testified that

14 15:47:56 Adam had never had any contact with your accounting

15 15:47:59 firm, correct?

16 15:48:00 A Yes. Not that I know of.

17 15:48:18 MR. KATAEV: Let's do 11.

18 15:48:20 (Plaintiff's Exhibit 11, Marked for Identification.)

19 15:48:20 BY MR. KATAEV:

20 15:48:57 Q Let's go back to the exhibit with IME

21 15:49:00 Guarddog. I believe that's eight. Going to the

22 15:49:07 third page of this document, do you know where Adam

23 15:49:12 Rosenblatt currently lives?

24 15:49:14 A I don't.

25 15:49:15 Q Do you have any idea where this address

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1 S. Abdulrahim Gelardi

2 15:49:18 came from?

3 15:49:19 A I have no idea.

4 15:49:20 Q Are you aware that Adam does not live at
5 15:49:22 this address?

6 15:49:23 A No. I never had Adam's address.

7 15:49:31 Q How would Adam know about Five Pillars if
8 15:49:34 not for you?

9 15:49:35 A Maybe through his father.

10 15:49:37 Q Did Adam Rosenblatt ever open up a bank
11 15:49:45 account at Sterling?

12 15:49:50 A I don't recall. I don't think so.

13 15:50:06 MR. KATAEV: We gave her 11.

14 15:50:09 Q Referring to Plaintiff's Exhibit 11 now, I
15 15:50:11 will represent to you that this is a April 29, 2017
16 15:50:17 email from you to Adam with a subject, Adam
17 15:50:20 Rosenblatt SS number, and in the subject it says,
18 15:50:23 Adam Rosenblatt SS number, Doc Rosenblatt SS number
19 15:50:28 and addresses; do you see that?

20 15:50:30 A Yes.

21 15:50:32 Q What was the purpose of this email?

22 15:50:34 A I don't recall. I have no idea.

23 15:50:35 Q Why could you need to know Adam or Ronald
24 15:50:39 Rosenblatt's Social Security number?

25 15:50:41 A Maybe for banking purposes. I have no

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1 S. Abdulrahim Gelardi

2 15:50:43 idea.

3 15:50:45 Q Did Adam provide you his Social Security
4 15:50:50 number and his address?

5 15:50:51 A No.

6 15:50:51 Q Did Ronald Rosenblatt provide you his
7 15:50:54 Social Security number and address?

8 15:50:55 A I believe Ronald never gave me his Social
9 15:50:59 but I believe he gave me his address.

10 15:51:03 Q How did he give it to you?

11 15:51:06 A I don't recall. He might have said it to
12 15:51:08 me or texted it to me because I know we went to his
13 15:51:12 home one time or a few times.

14 15:51:44 MR. KATAEV: Let's mark this as 12.

15 15:51:45 (Plaintiff's Exhibit 12, Marked for Identification.)

16 15:52:06 (Witness perusing document.)

17 15:52:06 BY MR. KATAEV:

18 15:52:09 Q I have handed you what has been marked as
19 15:52:12 Plaintiff's Exhibit 12. I will represent to you
20 15:52:15 it's a January 2017 bank statement for Adam
21 15:52:17 Rosenblatt with Sterling National Bank.

22 15:52:21 Do you recognize this document?

23 15:52:22 A I know that it's a statement, yes.

24 15:52:25 Q This is for a bank account that you helped
25 15:52:30 Adam form, correct?

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1 S. Abdulrahim Gelardi

2 15:52:31 A No.

3 15:52:32 Q You didn't assist him in opening this
4 15:52:35 while you were an employee of Sterling?

5 15:52:37 A I don't think I ever met Adam in
6 15:52:40 January 2017. He must have had this account prior.

7 15:52:45 Q Is it fair to state that in order for Adam
8 15:52:49 to have a bank account at Sterling, he would have to
9 15:52:52 provide his name and address?

10 15:52:54 A Yes.

11 15:52:55 Q Is it fair to state that you could have
12 15:52:58 obtained his address by looking up the banking
13 15:53:02 records?

14 15:53:03 A I could have if I knew he had an account
15 15:53:07 there.

16 15:53:14 Q I'm going to refer to you what's on the
17 15:53:18 screen and I think what we could do is quickly print
18 15:53:25 this so I can provide it and get it marked.

19 15:53:30 Take a second to review while we get
20 15:53:33 it printed. In lieu of printing it, we will rely on
21 15:54:11 what's on the screen. I will represent that this is
22 15:54:14 a document produced by the forensic examiner
23 15:54:15 Bates-stamped BRG8020, and that it's a April 29,
24 15:54:20 2017 email from you to your accountant.

25 15:54:25 Do you recognize this email?

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1 S. Abdulrahim Gelardi

2 15:54:28 A Yes.

3 15:54:29 Q In this email, you forward to your
4 15:54:33 accountant the three years worth of profit and loss
5 15:54:36 statements from IME Watchdog, correct?

6 15:54:38 A Yes.

7 15:54:39 Q You testified earlier that you believed
8 15:54:40 that you did so, correct?

9 15:54:42 A Yes.

10 15:54:43 Q Now when you sent this to your accountant,
11 15:54:45 what did you say to him and what did he say to you?

12 15:54:50 A I said to him, Does this look accurate to
13 15:54:54 you.

14 15:54:56 Q What did he say?

15 15:54:58 A I don't recall. I don't recall.

16 15:55:15 Q When you say you wanted to confirm that
17 15:55:20 it's accurate, in what sense do you mean accurate?

18 15:55:24 A It looked profitable. I wanted to know if
19 15:55:29 it could be -- if these are true numbers, could
20 15:55:33 this -- could this be accurate.

21 15:55:38 Q You did that because you wanted to
22 15:55:39 ascertain whether you wanted to open up a similar
23 15:55:42 business, correct?

24 15:55:43 A I was interested. I was interested in
25 15:55:48 whether or not the numbers were accurate.

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1 S. Abdulrahim Gelardi

2 15:56:25 MR. KATAEV: For the record, we are

3 15:56:27 marking the exhibit that we looked at on the

4 15:56:30 screen, BRG 8020, as Plaintiff's Exhibit 13.

5 15:56:35 We will print out the email and the

6 15:56:38 accompanying attachments and that will form 13

7 15:56:41 and this will be 14 the next one.

8 15:56:44 (Plaintiff's Exhibit 13, Marked for Identification.)

9 15:01:28 (Plaintiff's Exhibit 14, Marked for Identification.)

10 15:56:56 (Witness perusing document.)

11 15:56:56 BY MR. KATAEV:

12 15:56:58 Q Did you forward the profit and loss

13 15:57:03 statements to your accountant because you thought

14 15:57:06 Adam was not telling you the truth or altered the

15 15:57:10 document in any way?

16 15:57:14 A I'm sorry, repeat the question.

17 15:57:16 (Whereupon, the referred to question was read back

18 15:57:16 by the reporter.)

19 15:57:42 A I forwarded -- I forwarded that to my

20 15:57:46 accountant to ask a simple question, is this --

21 15:57:51 could this be accurate or -- it was just a question

22 15:58:00 to my accountant. He was an expert.

23 15:58:10 Q How would anyone other than IME Watchdog's

24 15:58:13 accountants know whether this information was

25 15:58:16 accurate?

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1 S. Abdulrahim Gelardi

2 15:58:18 A I wasn't asking if the information was

3 15:58:20 accurate. I was asking about whether the business

4 15:58:25 model could be, you know, this accurate. I wasn't

5 15:58:30 asking about the financial information being correct

6 15:58:34 or not.

7 15:58:42 Q You testified at the Show Cause Hearing

8 15:58:43 that you didn't open any of Adam's emails for

9 15:58:47 months. Doesn't this show that on the same day you

10 15:58:51 received the emails from Adam that you forward them

11 15:58:54 to your accountants?

12 15:58:57 A He sent so many emails. I opened maybe

13 15:59:02 one or two. The rest to me were garbage. I had no

14 15:59:07 idea what was in them.

15 15:59:09 Q Would it be fair to state that the email

16 15:59:11 containing IME Watchdog's customers in 2016 was

17 15:59:15 garbage?

18 15:59:16 A I know that this is what piqued my

19 15:59:18 interest.

20 15:59:20 MR. KATAEV: We have marked 14.

21 15:59:26 Q I will represent to you it's an email

22 15:59:29 dated April 29, 2017 from you to your accountant

23 15:59:32 forwarding the email from the prior day sent by

24 15:59:37 Adam. Do you recognize this document?

25 15:59:39 A Not really.

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1 S. Abdulrahim Gelardi

2 15:59:40 Q Take a second to look through the
3 15:59:42 attachments and see what was attached to this email.

4 15:59:49 (Witness perusing document.)

5 15:59:49 BY MR. KATAEV:

6 16:00:10 Q Fair to say broadly speaking that Adam
7 16:00:12 sent you financial information about IME Watchdog in
8 16:00:16 this email, correct?

9 16:00:18 A Yes.

10 16:00:19 Q Upon receiving it, you forwarded it to
11 16:00:21 your accountant, correct?

12 16:00:23 A Yes.

13 16:00:24 Q Why did you do that with respect to this
14 16:00:26 email?

15 16:00:27 A It looked similar to the profit and loss
16 16:00:31 statement.

17 16:00:33 Q You wanted to know if it was accurate?

18 16:00:34 A No. It was just for the same reason that
19 16:00:39 I forwarded that one.

20 16:00:44 Q At the Show Cause Hearing, you testified
21 16:00:45 that the only thing you ever received from Adam were
22 16:00:50 two invoices and the customer lists, correct?

23 16:00:53 A I don't remember. I don't think so. I
24 16:00:56 stated I receive many emails from Adam.

25 16:02:29 Q At your Show Cause Hearing on April 4,

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1 S. Abdulrahim Gelardi

2 16:02:33 2022, I'm referring you to the transcript at page 46

3 16:02:36 beginning on line 14. I'm going to read into the

4 16:02:42 record what was said and testified to.

5 16:02:45 The Court asked you: So, he, Adam

6 16:02:48 Rosenblatt, sent you the 2016 list of IME Watchdog's

7 16:02:51 customers?

8 16:02:53 Answer: He sent a lot of stuff,

9 16:02:54 Your Honor.

10 16:02:56 The Court asked: Well you received

11 16:02:58 that and she asked, when.

12 16:03:01 You answer: I would say on or

13 16:03:04 about -- was it April of 2017 around then, maybe

14 16:03:08 March.

15 16:03:08 The Court asked: What did you do

16 16:03:10 with that information?

17 16:03:11 Answer: I didn't open it for months,

18 16:03:13 Your Honor.

19 16:03:14 Do you see that testimony?

20 16:03:16 A Yes.

21 16:03:16 Q That ends on line 25?

22 16:03:19 A Yes.

23 16:03:20 Q That's not true based on what we just

24 16:03:22 reviewed, correct?

25 16:03:25 MR. WARNER: Objection. You can answer

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1 S. Abdulrahim Gelardi

2 16:03:25 it.

3 16:03:26 A I did not open many of his emails for
4 16:03:29 months.

5 16:03:51 MR. KATAEV: Okay. I don't have anything
6 16:03:53 on these. Let's go to 15.

7 16:03:57 (Plaintiff's Exhibit 15, Marked for Identification.)

8 16:04:16 (Witness perusing document.)

9 16:04:16 BY MR. KATAEV:

10 16:04:35 Q Ms. Gelardi, I have handed you a document
11 16:04:37 marked as Plaintiff's Exhibit 15. I will represent
12 16:04:43 to you this is another email sent by you to your
13 16:04:47 accountant or April 29th, a day after Adam sent you
14 16:04:50 it and it has an attachment, IME Watchdog Client's
15 16:04:55 Master List 2017. Do you recognize this document?

16 16:05:00 A I don't actually but ask your question.

17 16:05:06 Q Why is it that you forwarded this master
18 16:05:10 list of clients from 2017 to your accountant?

19 16:05:17 A I don't know. I forwarded information to
20 16:05:20 my accountant in respect to, Do you think this is a
21 16:05:26 profitable business. What I was sending was just
22 16:05:31 forwarded. It's not like I was -- I was sending to
23 16:05:33 my accountant for his opinion on whether or not he
24 16:05:38 thinks that this is a profitable or accurate
25 16:05:41 business.

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2 16:05:41 Q How would your accountant know whether it
3 16:05:44 would be a profitable or successful business?

4 16:05:47 A I don't know. I asked an expert. I
5 16:05:49 wouldn't know.

6 16:05:50 Q What did he say to you when you asked him?

7 16:05:53 A He said it looks profitable.

8 16:05:56 Q Did he say anything else?

9 16:05:57 A Nothing.

10 16:05:58 Q Did you ask him any other questions?

11 16:06:00 A I don't recall.

12 16:06:07 Q If you go to the third page, I will

13 16:06:11 represent to you this is the master list. It's an

14 16:06:14 Excel spreadsheet that's so long and somehow made to

15 16:06:20 fit on this page that it's so small you can't see

16 16:06:23 anything on it.

17 16:06:24 I will represent to you that we have

18 16:06:26 placed up on the screen this list as it is before

19 16:06:34 printing it. The Excel spreadsheet is produced by

20 16:06:39 the forensic examiner with the Bates stamp

21 16:06:39 BRG8006.0001. Do you recall reviewing this Excel

22 16:06:54 spreadsheet in April of 2017?

23 16:06:56 A I absolutely do not recall this sheet

24 16:06:58 whatsoever.

25 16:07:01 MR. WARNER: What was the --

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1 S. Abdulrahim Gelardi

2 16:07:03 MR. KATAEV: .0001.

3 16:07:06 MR. WARNER: Thank you.

4 16:07:06 BY MR. KATAEV:

5 16:07:07 Q In this sheet -- scroll to the top -- in

6 16:07:10 this sheet, it lists every single customer as well

7 16:07:16 the contact person at the customer and that contact

8 16:07:19 person's phone number, correct?

9 16:07:21 A I see.

10 16:07:22 Q It also lists each such contact person's

11 16:07:24 email address, correct?

12 16:07:26 A That's what I see.

13 16:07:27 Q Is it fair to say that this list provided

14 16:07:29 you with information about who you could contact at

15 16:07:34 every single customer in order to try solicit their

16 16:07:38 business?

17 16:07:39 A I have never seen this list. If I had

18 16:07:41 seen this list, I would have -- it's -- I have never

19 16:07:46 seen this list before. I have never ever seen this

20 16:07:49 list.

21 16:07:50 Q You forwarded this to your accountant.

22 16:07:52 A I forwarded emails to my accountant that

23 16:07:55 Adam sent me. I didn't intentionally forward

24 16:07:58 particular things. I have never seen this list.

25 16:08:03 Q It's your testimony that you never opened

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1 S. Abdulrahim Gelardi

2 16:08:04 this list?

3 16:08:06 A I don't believe I ever opened that list
4 16:08:08 until after the case, until after I was served.

5 16:08:34 Q On this list, just looking at the screen,
6 16:08:34 how many customers are listed?

7 16:08:36 A It looks like 476.

8 16:08:45 Q When you sent these emails to your
9 16:08:47 accountant and asked him questions about it, did you
10 16:08:49 do so for the purpose of ascertaining whether the
11 16:08:52 business could be replicated?

12 16:08:55 A No.

13 16:09:00 MR. KATAEV: Let's mark this 16.

14 16:10:06 (Plaintiff's Exhibit 16, Marked for Identification.)

15 16:10:06 BY MR. KATAEV:

16 16:10:18 Q I have handed you what has been marked as
17 16:10:21 Plaintiff's Exhibit 16. I will represent to you
18 16:10:24 that this is your email to your accountant
19 16:10:28 forwarding the email you received in Plaintiff's
20 16:10:32 Exhibit 7, which I've placed in front of you.

21 16:10:39 I just want to confirm, you did
22 16:10:41 forward this email to your accountant with the
23 16:10:44 attachments, correct?

24 16:10:45 A Yes.

25 16:11:22 Q Referring to your Show Cause Hearing

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2 16:11:25 testimony, pages 35 to 36 starting on line 24 of

3 16:11:30 page 35, you were asked by me: Adam gave you a

4 16:11:33 sales by customer summary for 2016 in or about April

5 16:11:38 of '17, correct? Your answer was no.

6 16:11:41 I asked you: Adam provided you with

7 16:11:44 contact information for each of the clients on the

8 16:11:45 sales by customer summary, correct? I was asked to

9 16:11:48 go slower, and your answer was no.

10 16:11:53 My question is: Is your testimony

11 16:11:55 the same today?

12 16:11:56 A Yes.

13 16:11:56 Q He did provide you?

14 16:11:58 A He did provide me the -- now I see this, I

15 16:12:03 have never seen it prior to the case.

16 16:12:06 Q Even though he forwarded it to your

17 16:12:07 attention?

18 16:12:08 A Even though -- I never opened it, I

19 16:12:14 forwarded it.

20 16:12:15 MR. KATAEV: Let's mark this as 17.

21 16:12:16 (Plaintiff's Exhibit 17, Marked for Identification.)

22 16:12:18 BY MR. KATAEV:

23 16:13:10 Q Take a second to review the email that I

24 16:13:14 have given you and the attachments.

25 16:13:20 (Witness perusing document.)

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1 S. Abdulrahim Gelardi

2 16:13:23 Q Now before we get into this exhibit, with
3 16:13:26 the exhibits that we just went over, the multiple
4 16:13:29 emails that you received from Adam that you
5 16:13:30 subsequently forwarded to your accountant.

6 16:13:33 The question is: Why did you forward
7 16:13:35 something to your accountant that you yourself had
8 16:13:37 not yet opened?

9 16:13:39 MR. WARNER: Objection to form. You can
10 16:13:39 answer.

11 16:13:45 A I didn't want to open it. I wanted him to
12 16:13:48 tell me -- I didn't know what was in them. I
13 16:13:51 forwarded some. I didn't forward them all. I saw a
14 16:13:54 few. I forwarded them. I barely looked at them.

15 16:14:02 Q Did you have a discussions with your
16 16:14:04 accountant before you forwarded them?

17 16:14:07 A I believe I had a discussion with him
18 16:14:09 after.

19 16:14:11 Q What did you say to him and what did he
20 16:14:13 say to you?

21 16:14:14 A It was -- I don't remember when. It was a
22 16:14:17 little after whenever we had time and I said, What
23 16:14:21 do you think, do you think this is a profitable
24 16:14:25 business. That's it. It's business advice.

25 16:14:33 Q Did you send your accountant emails from

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1 S. Abdulrahim Gelardi

2 16:14:36 anyone else?

3 16:14:38 A I don't recall.

4 16:14:42 Q Was your accountant confused when he
5 16:14:45 received these emails out of nowhere?

6 16:14:48 A I'm sure he was. I didn't ask him.

7 16:14:54 Q Your testimony is that any emails that you
8 16:14:56 received from Adam, you just forwarded to your
9 16:14:59 accountant?

10 16:14:59 A Not any. Just a few. I sent him a few
11 16:15:02 and I spoke to him. I don't recall when but after.

12 16:15:08 Q What made you decide to send those few
13 16:15:12 emails but not others?

14 16:15:13 A The subject title.

15 16:15:19 Q Anything with financial information you
16 16:15:21 decided to send?

17 16:15:22 A Yes.

18 16:15:23 Q Is it because you don't understand the
19 16:15:24 financial information and wanted to?

20 16:15:30 A I just wanted to understand what --
21 16:15:33 whether the business was profitable, I wanted to
22 16:15:38 understand that this is -- I just wanted to
23 16:15:39 understand.

24 16:15:42 Q Fair to say the subject of the email is
25 16:15:44 something that interested you but you weren't

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1 S. Abdulrahim Gelardi

2 16:15:47 interested in the attachments and reviewing it?

3 16:15:50 A I did not review the attachment. It's a
4 16:15:51 fair statement to say. I figured he would be the
5 16:15:56 expert depending on the subject.

6 16:16:01 Q All of these emails were received by your
7 16:16:04 accountant one week before he opened or incorporated
8 16:16:06 IME Guarddog, correct?

9 16:16:10 MR. WARNER: Objection.

10 16:16:11 A Yes.

11 16:16:13 Q You relied on Jay at Five Pillars with
12 16:16:17 respect to financial information, even though you
13 16:16:20 were in banking for 20 years?

14 16:16:22 A Yes.

15 16:16:22 Q Is it fair to say that because you were in
16 16:16:24 banking for 20 years, you had a fair amount of
17 16:16:27 knowledge about reading financial statements?

18 16:16:30 A I did not read financial statements.

19 16:16:35 Q Did you realize when you were sending this
20 16:16:37 information to your accountant that you were
21 16:16:38 forwarding confidential information of IME Watchdog?

22 16:16:42 A No.

23 16:16:59 Q We have an exhibit in front of you. I
24 16:17:01 think it's 17. I will represent to you this is an
25 16:17:06 October 19, 2017 email from Info@imecompanions.com

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1 S. Abdulrahim Gelardi

2 16:17:12 to an individual with the e-mail address,

3 16:17:15 Washingtonsharee@yahoo.com.

4 16:17:22 Do you recognize this document?

5 16:17:23 A I recognize the attachments.

6 16:17:27 Q Do you recall sending an email like this

7 16:17:29 to an individual named Sharee Washington?

8 16:17:34 A I don't.

9 16:17:37 Q Does the name in the subject, Massiel

10 16:17:37 Delossantos ring a bell to you?

11 16:17:42 A No.

12 16:17:43 Q Is it fair to say that based on the

13 16:17:45 contents of this email that you are sending Sharee

14 16:17:51 Washington this information because she's going to

15 16:17:54 observe an IME?

16 16:17:56 A No.

17 16:17:56 Q Why did IME Companions send this email to

18 16:18:03 Sharee Washington?

19 16:18:06 A There were close to four or five people

20 16:18:09 working on the info email. I don't recall this

21 16:18:11 document. When we first started, it could be

22 16:18:17 because it was assigned to her, it could be for

23 16:18:20 other reasons. I don't recall.

24 16:18:22 Q The email says, Hello Sharee. Attached

25 16:18:25 there is a sample IME exam report, a basic

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1 S. Abdulrahim Gelardi

2 16:18:29 questionnaire and the appointment information. You
3 16:18:32 don't have to print out the IME report. It will be
4 16:18:36 helpful once you accompany a client to an exam and
5 16:18:40 need to write your report. Please print the basic
6 16:18:42 questionnaire and the appointment sheet and take to
7 16:18:47 your exam. You will meeting with Mohammed Abdul
8 16:18:49 Romman in the medical office. He will train you on
9 16:18:58 how to brief your patient. I will be available to
10 16:19:01 answer any questions for you after. Good luck.

11 16:19:04 Safa Gelardi, IME Companions.

12 16:19:07 Is it fair to say, based on my
13 16:19:09 reading of this email to Sharee, that you wrote this
14 16:19:12 email to her?

15 16:19:13 A Yes.

16 16:19:14 Q Is it fair to say that you're explaining
17 16:19:16 to Sharee what she needs to do as an observer for an
18 16:19:21 IME?

19 16:19:21 A Yes.

20 16:19:22 Q Is it fair to say that based on the
21 16:19:24 subject of the email, the patient that is being
22 16:19:27 examined or the personal injury client, the
23 16:19:31 plaintiff that is being examined is Massiel
24 16:19:32 Delossantos.

25 16:19:35 A Yes.

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1 S. Abdulrahim Gelardi

2 16:19:36 MR. KATAEV: M-a-s-s-i-e-l

3 16:19:39 D-e-l-o-s-s-a-n-t-o-s.

4 16:19:50 Q In this email to Sharee, you have three
5 16:19:52 attachments, correct?

6 16:19:54 A Yes.

7 16:19:55 Q The first one is an IME submission form,
8 16:19:58 correct?

9 16:19:59 A Yes.

10 16:20:00 Q This is a standard one-page form that
11 16:20:03 gives the basic information about the patient, the
12 16:20:05 attorney, who is the customer, and the doctor who is
13 16:20:09 performing the IME, correct?

14 16:20:11 A Yes.

15 16:20:12 Q Is this a form that you created?

16 16:20:14 A Yes.

17 16:20:14 Q It's not a form that you copied from IME
18 16:20:18 Watchdog?

19 16:20:19 A I don't believe so.

20 16:20:22 Q The second document attached is a letter
21 16:20:28 on the letterhead of Elefterakis, Elefterakis &
22 16:20:30 Panek, correct?

23 16:20:35 A Yes.

24 16:20:36 Q It's addressed the to Massiel Delossantos
25 16:20:37 and it notifies her about the date and time and

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1 S. Abdulrahim Gelardi

2 16:20:42 location of the IME, correct?

3 16:20:44 A Yes.

4 16:20:46 Q This is something that your customer,

5 16:20:47 Elefterakis, Elefterakis & Panek, provided you?

6 16:20:52 A Yes.

7 16:21:29 Q If you go down to page 288 of this

8 16:21:32 attachment. In the email to Sharee, you provided

9 16:21:45 her with an IME report from IME Watchdog, correct?

10 16:21:49 A Correct.

11 16:21:50 Q Why did you provide Sharee with a IME

12 16:21:53 Watchdog report?

13 16:21:58 A IME Watchdog reports were available

14 16:22:00 online.

15 16:22:02 Q Was this report available online?

16 16:22:04 A I'm not sure. It could have been.

17 16:22:07 Q You're not sure because some reports you

18 16:22:10 obtained from Adam and others you obtained from the

19 16:22:13 website, correct?

20 16:22:14 A Correct.

21 16:22:16 Q You provided this to Sharee in order to

22 16:22:19 assist her with creating her report so she can copy

23 16:22:23 what's in this report, correct?

24 16:22:25 A Not copy. Use to understand how to do a

25 16:22:29 report.

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1 S. Abdulrahim Gelardi

2 16:22:35 Q In the email, you are asking her to model
3 16:22:39 her report after this report by IME Watchdog,
4 16:22:41 correct?

5 16:22:42 A No.

6 16:22:44 Q What are you doing?

7 16:22:45 A This is a reference. This is a reference
8 16:22:50 to what kind of report she will be submitting to us
9 16:22:55 at a later date. This is just a reference on what
10 16:22:58 we expect. Again, IME Companions' reports are
11 16:23:05 completely different. Same information provided,
12 16:23:06 same information needed, but they are different.

13 16:23:10 Q You stated in your email to Sharee that
14 16:23:14 the report will be helpful once she accompanies a
15 16:23:17 client to an exam and needs to write her report,
16 16:23:20 correct?

17 16:23:21 A Correct.

18 16:23:21 Q You said that because it would be easier
19 16:23:24 for her to copy this report rather than create her
20 16:23:28 own report, correct?

21 16:23:30 A No.

22 16:23:36 Q If this report was not available on IME
23 16:23:38 Watchdog's website, how did you obtain it?

24 16:23:42 A I don't know.

25 16:23:46 Q Is it fair to say that you used this

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1 S. Abdulrahim Gelardi

2 16:23:48 report to help your employees or independent

3 16:23:52 contractors or agents understand how to observe an

4 16:23:56 IME?

5 16:23:58 A Not how to observe an IME, no. Just what

6 16:24:02 notes need to be taken.

7 16:24:04 Q Is it fair to say that you used IME

8 16:24:06 Watchdog's report to train the Companions that you

9 16:24:12 hired on how to do their jobs?

10 16:24:14 A No.

11 16:24:15 Q I want you to finish your answer.

12 16:24:20 A I'm finished.

13 16:24:21 Q Is it fair to say that you did not have

14 16:24:24 any reports of your own at the time you formed IME

15 16:24:26 Companions?

16 16:24:27 A That's fair.

17 16:24:28 Q Is that the reason you did not use a IME

18 16:24:34 Companions report?

19 16:24:34 A It's possible. I don't know. I don't

20 16:24:36 recall, but again, the report is just in reference

21 16:24:41 to what information is needed to be taken at the

22 16:24:46 exam. It's not for anyone to copy and they were

23 16:24:50 available online, not only on the website. There

24 16:24:56 are IME Watchdog reports available online.

25 16:25:02 MR. KATAEV: We are going to call for the

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1

S. Abdulrahim Gelardi

2

16:25:04

production of all initial reports of IME

3

16:25:07

Companions and we will follow up in writing.

4

16:25:10

THE WITNESS: Sure.

5

16:25:11

MR. WARNER: Don't respond. It's not for

6

16:25:13

you to respond.

7

16:25:14

(Counsel Request.)

8

16:25:14

BY MR. KATAEV:

9

16:25:14

Q But it's fair to say that allowing Sharee

10

16:25:18

Washington to use this report is in one way or

11

16:25:22

another helping her on how to write a report?

12

16:25:25

A No, not helping her write a report.

13

16:25:27

Helping her -- it's just so she would know it's

14

16:25:32

informational on what information is needed for her

15

16:25:35

to take at the IME exam.

16

16:25:38

MR. KATAEV: Let's take a three-minute

17

16:25:40

break. Off the record.

18

16:25:43

THE VIDEOGRAPHER: The time is 4:25 p.m.

19

16:25:45

We are going off the record.

20

16:25:58

(Whereupon, a short recess was taken.)

21

16:32:45

(Whereupon, the referred to testimony was read back

22

16:32:45

by the reporter.)

23

16:33:09

THE VIDEOGRAPHER: The time is 4:33 p.m.

24

16:33:15

We are back on the record.

25

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1 S. Abdulrahim Gelardi

2 16:33:18 BY MR. KATAEV:

3 16:33:19 Q We've come back after a break.

4 16:33:24 Ms. Gelardi, with respect to this

5 16:33:25 exhibit and the email to Sharee Washington, is it

6 16:33:27 fair to say that Ms. Washington was just hired or

7 16:33:30 engaged by IME Companions?

8 16:33:35 A Sharee actually was never hired.

9 16:33:38 Q Did she perform -- did she observe the IME
10 16:33:42 for that patient?

11 16:33:43 A No.

12 16:33:45 Q Let's go to within the exhibit to
13 16:33:47 Bates-stamped 296 for now, please. While you're
14 16:33:55 looking for that, do you know whether Ms. Washington
15 16:33:57 was going to be hired?

16 16:34:00 A She might have been, but I don't know if
17 16:34:03 she would have been hired, but she never showed and
18 16:34:06 she wasn't hired.

19 16:34:10 Q How did you first get in contact with
20 16:34:13 Ms. Washington?

21 16:34:14 A I believe it was through a Craigslist ad.

22 16:34:19 Q How did you know that you could do a
23 16:34:21 Craigslist ad to hire individuals that could serve
24 16:34:24 as Companions to observe IMEs?

25 16:34:31 A My husband puts out Craigslist ads

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1 S. Abdulrahim Gelardi

2 16:34:32 multiple times for many different things.

3 16:34:33 Q Isn't it true that Adam also told you that

4 16:34:35 that's a good way to hire individuals to observe

5 16:34:39 IMEs?

6 16:34:39 A No.

7 16:34:40 Q Why did you send this email to her?

8 16:34:46 A She wanted to know more about the

9 16:34:48 position.

10 16:34:51 Q What, if anything, did you two say to each

11 16:34:53 other after you sent the email?

12 16:34:55 A I don't recall.

13 16:34:56 Q Did she ask you any questions about why

14 16:34:59 you provided her a report from a different company?

15 16:35:02 A No.

16 16:35:05 Q Do you have 296 open in front of you from

17 16:35:09 Plaintiff's Exhibit 17?

18 16:35:10 A Yes.

19 16:35:10 Q This is an email that's part of the

20 16:35:12 exhibit dated October 17, 2017 from IME Companions

21 16:35:19 to Moabdulrahman@yahoo.com, correct?

22 16:35:22 A Correct.

23 16:35:23 Q The subject is IME Report. It contains an

24 16:35:27 attachment titled IME report.pdf, correct?

25 16:35:32 A Correct.

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1 S. Abdulrahim Gelardi

2 16:35:32 Q The report that you sent to Moe

3 16:35:35 Abdulrahman is an IME Watchdog report, correct?

4 16:35:41 A Yes.

5 16:35:41 Q Who is Moe Abdulrahman to you?

6 16:35:43 A My brother.

7 16:35:44 Q Was Moe involved in the business of IME
8 16:35:47 Companions?

9 16:35:47 A Yes.

10 16:35:48 Q Is he still involved?

11 16:35:49 A No.

12 16:35:51 Q Why is he no longer involved?

13 16:35:54 A He was only helping out. He had a
14 16:35:56 full-time job of his own.

15 16:35:58 Q Where does he work?

16 16:36:00 A He is an RN.

17 16:36:01 Q A registered nurse?

18 16:36:03 A I believe so.

19 16:36:05 Q Where does he serve as an RN?

20 16:36:09 A I don't know. I think Brooklyn Hospital
21 16:36:12 or something.

22 16:36:16 Q Why did you send this report to Mo?

23 16:36:21 A For the same purpose I sent it to Sharee.
24 16:36:23 For him to overlook it to see what information we
25 16:36:29 needed to collect at the IMEs.

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1 S. Abdulrahim Gelardi

2 16:36:31 Q In other words, you used this report in
3 16:36:32 order to ascertain what you needed to do when
4 16:36:37 observing IMEs, correct?

5 16:36:39 A No. This report was used as a reference.
6 16:36:41 It was a reference. That's all it is.

7 16:36:47 Q Why did you specifically use an IME
8 16:36:50 Watchdog report?

9 16:36:51 A They were available.

10 16:36:52 Q They were available because of your
11 16:36:56 relationship with Adam, correct?

12 16:36:57 A They were available because Adam sent me
13 16:37:01 one or two and they were available online.

14 16:37:05 Q These reports are not available anywhere
15 16:37:07 else?

16 16:37:08 A I don't believe so. I don't know.

17 16:37:17 Q Prior to the time that you obtained an IME
18 16:37:20 Watchdog report, you did not have any other IME
19 16:37:23 reports from anywhere else outside of IME Watchdog,
20 16:37:28 correct?

21 16:37:29 A Yes.

22 16:37:53 MR. KATAEV: Let's mark this as 18.

23 16:37:55 (Plaintiff's Exhibit 18, Marked for Identification.)

24 16:38:09 (Witness perusing document.)
25

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1 S. Abdulrahim Gelardi

2 16:38:09 BY MR. KATAEV:

3 16:38:15 Q I have handed to you, Ms. Gelardi, what
4 16:38:18 has been marked as Plaintiff's Exhibit 18. I will
5 16:38:22 represent to you it's an August 8, 2017 email from
6 16:38:44 you to R. Pollak, P-o-l-l-a-k, 002 at Gmail.com.

7 16:38:52 Do you recognize this document?

8 16:38:53 A No.

9 16:38:55 Q This is an email that you originally sent
10 16:39:01 to yourself from your Sterling National Bank email
11 16:39:06 address to your personal email address the same day
12 16:39:09 four hours earlier, correct?

13 16:39:17 A Okay. I see what you're saying, yes.

14 16:39:19 Q Once you sent it to your personal email
15 16:39:23 you then forward it to Roman Pollak, correct?

16 16:39:25 A Yes.

17 16:39:27 Q Why is it that you sent an email from your
18 16:39:30 work email to your personal email with this
19 16:39:33 information?

20 16:39:35 A Why -- repeat that, please.

21 16:39:37 (Whereupon, the referred to question was read back
22 16:39:37 by the reporter.)

23 16:39:52 A I don't know.

24 16:39:53 Q Is it because you received this
25 16:39:54 information while you were at the bank and forwarded

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1 S. Abdulrahim Gelardi

2 16:39:57 it yourself from the bank?

3 16:40:00 A Possibly.

4 16:40:02 Q So is it fair to say that in or about

5 16:40:05 August 8 of 2017, Adam or Ron met with you and

6 16:40:09 provided you this information?

7 16:40:15 A I don't believe so. I don't know. I

8 16:40:22 don't think so.

9 16:40:24 Q Do you have a -- withdrawn.

10 16:40:26 In August of 2017, you were still

11 16:40:28 working at Sterling National Bank, correct?

12 16:40:31 A Yes.

13 16:40:32 Q At that time, did you have a computer that

14 16:40:35 you could use at home?

15 16:40:39 A A personal computer?

16 16:40:40 Q Yes.

17 16:40:41 A Yes.

18 16:40:46 Q The subject line of this email is blank,

19 16:40:50 but the attachments -- the main attachment is an

20 16:40:53 Excel spreadsheet that says, Attorney list over

21 16:40:57 10,000 in revenue; do you see that?

22 16:41:04 A Yes.

23 16:41:06 Q If you go to the next page there is a

24 16:41:08 one-page list of approximately 20 law firms;

25 16:41:10 correct?

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1 S. Abdulrahim Gelardi

2 16:41:10 A Yes.

3 16:41:12 Q Is it fair to say that this is a list of
4 16:41:16 IME Watchdog customers that provide over 10,000 in
5 16:41:23 revenue to IME Watchdog?

6 16:41:25 A I have no idea.

7 16:41:27 Q You made this list using the Excel program
8 16:41:33 while at work at Sterling National Bank, correct?

9 16:41:34 A I don't know. I don't think.

10 16:42:15 Q You made this list from the master list
11 16:42:18 that we reviewed previously, correct?

12 16:42:21 A No.

13 16:42:25 Q Where did this list come from?

14 16:42:29 A I don't recall, but I never made any list.

15 16:42:33 Q Why did you send this list to Roman
16 16:42:36 Pollak?

17 16:42:38 A Possibly to -- possibly to ask him if they
18 16:42:41 were his clients as well.

19 16:42:46 Q When you say his clients, are you stating
20 16:42:48 that Roman Pollak is an attorney?

21 16:42:51 A No.

22 16:42:52 Q How -- if Roman Pollak is not an attorney,
23 16:42:56 how would these law firms be his quote/unquote
24 16:43:01 customers as well?

25 16:43:02 A Roman Pollak worked for a funding company.

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1 S. Abdulrahim Gelardi

2 16:43:06 Q How did you know Roman Pollak?

3 16:43:09 A He was a customer at the bank for -- he
4 16:43:13 worked for Greg Elefterakis and he was the main
5 16:43:18 person that came to the bank on behalf of Greg.

6 16:43:29 Q Why would Roman Pollak come on behalf of
7 16:43:33 Greg to the bank?

8 16:43:35 A He worked for Greg.

9 16:43:38 Q Where?

10 16:43:39 A At Case Cash, the funding company.

11 16:43:52 Q Where was the funding company located or
12 16:43:55 where was it located at the time in August of '17?

13 16:44:00 A Manhattan on Eighth Avenue.

14 16:44:03 Q Did Gregory Elefterakis' company have a
15 16:44:07 bank account with Sterling National Bank?

16 16:44:09 A They did.

17 16:44:10 Q Is that how you knew Gregory Elefterakis
18 16:44:13 and Roman Pollak?

19 16:44:14 A Yes.

20 16:44:16 Q When you sent this to Roman, what did you
21 16:44:19 say to him and what did he say to you?

22 16:44:22 A I can't recall the conversation, but -- I
23 16:44:28 wouldn't be able to recall a conversation like that.

24 16:44:33 Q You stated the funding company is located
25 16:44:35 in Manhattan but you worked in Forest Hills in

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1 S. Abdulrahim Gelardi

2 16:44:40 Queens, correct?

3 16:44:42 A Correct.

4 16:44:43 Q Why would Roman or Greg come to bank with
5 16:44:48 you in Forest Hills?

6 16:44:52 A I believe, and this is speculation, I
7 16:44:58 believe Roman would visit Gregory's clients all over
8 16:45:01 the place and one of the places I believe he had
9 16:45:04 clients in Forest Hills, but I never asked.

10 16:45:07 Q This list that says, Attorney list over
11 16:45:16 \$10,000 in revenue, did Adam create it and send it
12 16:45:20 to you?

13 16:45:21 A I don't think so. I don't know. Adam
14 16:45:22 sent a bunch of stuff. I don't know.

15 16:45:24 Q But you deny you created this list?

16 16:45:27 A I did not create this list.

17 16:45:40 Q Did you receive this list in April of 2017
18 16:45:44 together with other documents?

19 16:45:47 A I don't know. Possible. He flooded my
20 16:45:53 emails.

21 16:45:54 Q To your knowledge, where did this list
22 16:45:56 come from?

23 16:45:59 A Speculation only, it might have been from
24 16:46:03 Adam.

25 16:46:22 Q Did you delete all the emails that you

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1 S. Abdulrahim Gelardi

2 16:46:24 received from Adam?

3 16:46:26 A I don't think so.

4 16:46:29 Q I will represent to you that the only

5 16:46:31 emails that we have from Adam to you are the ones

6 16:46:35 that you forwarded to your account or elsewhere?

7 16:46:39 A I deleted nothing. I delete spam. I

8 16:46:46 don't delete anything in my inbox. I have an email

9 16:46:50 that floods with spam.

10 16:47:00 Q So where are all the emails between you

11 16:47:03 and Adam?

12 16:47:05 A I'm sure I still have them.

13 16:47:07 MR. KATAEV: We will call for the

14 16:47:09 production of all emails between the witness

15 16:47:11 and Adam Rosenblatt as well as the emails

16 16:47:15 between the witness and Roman Pollak.

17 16:47:17 (Counsel Request.)

18 16:47:26 MR. KATAEV: This is 19.

19 16:47:27 (Plaintiff's Exhibit 19, Marked for Identification.)

20 16:47:50 (Witness perusing document.)

21 16:47:50 BY MR. KATAEV:

22 16:48:21 Q At your Show Cause Hearing on April 4th,

23 16:48:23 and I'm pointing to highlighted portions of your

24 16:48:27 testimony from page 40 thereof from lines four to

25 16:48:30 15, you testified that prior to forming IME

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1 S. Abdulrahim Gelardi

2 16:48:36 Companions with Greg Elefterakis, the only
3 16:48:39 information you presented to him were two invoices;
4 16:48:43 is that right?

5 16:48:43 A Yes.

6 16:48:45 Q You did not tell the court then that you
7 16:48:47 had sent Roman Pollak any information about this
8 16:48:51 business, did you?

9 16:48:53 MR. WARNER: Objection to form. You can
10 16:48:53 answer it.

11 16:48:55 A I don't recall you asking.

12 16:49:08 Q At the time that you first spoke to
13 16:49:09 Mr. Elefterakis about this business, you presented
14 16:49:12 him with the two invoices and all the other
15 16:49:18 documents that we have seen, correct?

16 16:49:23 MR. WARNER: Objection to form.

17 16:49:24 A No.

18 16:49:24 Q It's your testimony today that you did not
19 16:49:25 show him the customer list?

20 16:49:26 A I did not.

21 16:49:26 Q It's your testimony today that you did not
22 16:49:28 show him the profit and loss statements?

23 16:49:33 A It's my testimony that I do not recall
24 16:49:35 showing Greg Elefterakis anything but two invoices.

25 16:49:39 Q Today or at the Show Cause Hearing?

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1 S. Abdulrahim Gelardi

2 16:49:41 A Today and at the Show Cause Hearing.

3 16:49:43 Q At the Show Cause Hearing, your answer as
4 16:49:45 shown on the screen says, I presented him with two
5 16:49:49 invoices, Your Honor, and as I recall you were very
6 16:49:50 emphatic about that.

7 16:49:52 A Yes.

8 16:49:52 MR. WARNER: Objection to form.

9 16:49:53 Q You didn't say, as you recall, did you?

10 16:49:56 MR. WARNER: Objection to form.

11 16:49:58 Q You can answer.

12 16:50:01 A What is the question?

13 16:50:02 Q You didn't say at the Show Cause Hearing
14 16:50:04 that you recall that, you stated it as a matter of
15 16:50:08 fact, correct?

16 16:50:09 MR. WARNER: Objection to form.

17 16:50:11 Q You can answer.

18 16:50:13 A I really don't understand the question.

19 16:50:16 Q As you sit here today, you're saying, as I
20 16:50:19 recall I only sent two invoices, but that's not what
21 16:50:22 you said at the hearing, correct?

22 16:50:24 A It sounds the same to me.

23 16:50:27 Q I will represent to you it's not the same.

24 16:50:30 MR. WARNER: I'll object to the
25 16:50:31 representation.

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1 S. Abdulrahim Gelardi

2 16:50:32 Q Looking at Plaintiff's Exhibit 19,
3 16:50:33 representing to you that this is an October 19, 2017
4 16:50:36 email from IME Companions by you to
5 16:50:41 Alex.Silva819@gmail.com. This is similar to the
6 16:50:47 email you sent to Sharee Washington; do you recall
7 16:50:51 sending this email?

8 16:50:54 A I don't recall, but I'm sure I sent it.

9 16:50:57 Q You sent this email to Alex Silva because
10 16:51:01 you hired or engaged him or her to observe IMEs,
11 16:51:04 correct?

12 16:51:05 A Yes.

13 16:51:07 Q You state in here that, Attached is a
14 16:51:08 basic questionnaire and a sample report, right?

15 16:51:13 A Okay.

16 16:51:14 Q You also state in the email to Alex that
17 16:51:17 quote, You can save the sample report as a pdf and
18 16:51:21 just edit it with the new information you gather
19 16:51:25 from your exam, correct?

20 16:51:27 A That's what it says, yes.

21 16:51:28 Q You sent that because it's easier to edit
22 16:51:30 this report rather than create a report yourself,
23 16:51:35 right?

24 16:51:36 A Wrong.

25 16:51:55 Q Go to the next page of this exhibit.

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1 S. Abdulrahim Gelardi

2 16:51:56 There is a form with information to be filled in,
3 16:52:00 correct?

4 16:52:00 A Yes.

5 16:52:01 Q Did you create this form or is this
6 16:52:03 something that was copied from IME Watchdog?

7 16:52:09 A To be honest -- rephrase.

8 16:52:12 I believe Ronald Rosenblatt sent me
9 16:52:19 this form.

10 16:52:20 Q This specific form that begins with
11 16:52:22 client's name, attorney name, etc?

12 16:52:24 A Absolutely, correct. I believe Ronald
13 16:52:25 Rosenblatt sent me this format.

14 16:52:28 MR. KATAEV: We will call for the
15 16:52:29 production of all the emails from Ronald
16 16:52:31 Rosenblatt and follow up in writing.

17 16:52:33 (Counsel Request.)

18 16:52:33 BY MR. KATAEV:

19 16:52:34 Q The report that you sent to Alex Silva is
20 16:52:37 the same exact report that you had sent prior to
21 16:52:40 Sharee Washington, correct?

22 16:52:41 A Correct.

23 16:52:41 Q It is also the IME Watchdog report,
24 16:52:43 correct?

25 16:52:44 A Correct.

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1 S. Abdulrahim Gelardi

2 16:52:54 Q Did you hire Alex Silva?

3 16:52:56 A Yes.

4 16:52:58 Q Did he work at IME Companions?

5 16:53:00 A Yes.

6 16:53:01 Q Is he still working there today?

7 16:53:02 A No.

8 16:53:04 Q When did he or she stop working there?

9 16:53:10 A A long time ago. I don't recall.

10 16:53:13 Q Has it been years?

11 16:53:15 A Yes.

12 16:53:16 Q For all of the Companions that are hired

13 16:53:20 or engaged by IME Companions, does IME Companions

14 16:53:22 maintain a list with their names and contact

15 16:53:25 information?

16 16:53:25 A We have a list of our Companions, yes.

17 16:53:29 Q On that list is the first and last name of

18 16:53:32 each Companion?

19 16:53:35 A I can make one.

20 16:53:36 Q I'm asking if one exists.

21 16:53:38 A No.

22 16:53:39 Q Do you have any list with every

23 16:53:42 Companion's phone number?

24 16:53:46 A No.

25 16:53:47 Q Do you have a list of every Companion's

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1 S. Abdulrahim Gelardi

2 16:53:49 email address?

3 16:53:51 A If I have an actual list?

4 16:53:53 Q Correct. In your possession as of today,
5 16:53:55 not one that would you make?

6 16:53:59 A I think -- I believe one previously before
7 16:54:07 QuickBooks. I believe I did have a list with the
8 16:54:10 Companions and their information.

9 16:54:11 MR. KATAEV: I'm going to ask that you
10 16:54:12 preserve that list and produce it to us. We
11 16:54:15 will follow up in writing.

12 16:54:15 (Counsel Request.)

13 16:54:15 BY MR. KATAEV:

14 16:54:16 Q You said that kept a list up until you got
15 16:54:19 QuickBooks. Did you start keeping the Companions'
16 16:54:21 contact information in QuickBooks?

17 16:54:23 A No.

18 16:54:24 Q Why did you stop keeping the list of
19 16:54:26 Companions after you got QuickBooks?

20 16:54:30 A I used -- I no longer needed the list. I
21 16:54:34 knew who was working for me.

22 16:54:47 Q This report that you sent to Alex Silva
23 16:54:49 you sent it was because it was a good report that
24 16:54:56 you wanted them to emulate, correct?

25 16:54:58 A No.

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1 S. Abdulrahim Gelardi

2 16:55:04 Q I want you to go please in this exhibit to
3 16:55:06 Bates-stamped 315 on the bottom right. This is an
4 16:55:15 email part of the exhibit dated October 18, 2017
5 16:55:19 from you to Vito forwarding an email you received
6 16:55:24 from Mohammad, and Mohammad is the same as Moe,
7 16:55:30 correct?

8 16:55:31 A Yes.

9 16:55:31 Q That's your brother, correct?

10 16:55:33 A Yes.

11 16:55:34 Q Is this the same individual as Omar?

12 16:55:36 A No.

13 16:55:37 Q Omar is another brother you have?

14 16:55:40 A Yes.

15 16:55:43 Q In this email to Vito you ask him to check
16 16:55:47 out Moe's report and you state it was good, correct?

17 16:55:51 A That's what it says, yes.

18 16:55:56 Q The email that he sent you contained the
19 16:55:59 attachment on the next page, correct?

20 16:56:05 A This attachment?

21 16:56:06 Q Yes, page 316.

22 16:56:08 A Yes.

23 16:56:12 Q Is that correct?

24 16:56:13 A That's what it says.

25 16:56:18 Q By inference from your email, this report

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1 S. Abdulrahim Gelardi

2 16:56:21 was edited by Omar, correct?

3 16:56:24 A No.

4 16:56:26 Q So when you state to Vito, check out Moe's
5 16:56:29 report, it was good, what do you mean by that?

6 16:56:32 A Moe is a very talented man and he's very
7 16:56:36 aware of what exams should be. This might have been
8 16:56:42 an error attachment, it might have been something
9 16:56:45 else, but this is not Moe's report.

10 16:56:48 MR. WARNER: This referring to the
11 16:56:49 document that follows page 315, correct?

12 16:56:53 THE WITNESS: Yes.

13 16:57:02 MR. KATAEV: We are good with this
14 16:57:05 exhibit.

15 16:57:05 (Plaintiff's Exhibit 20, Marked for Identification.)

16 16:57:10 BY MR. KATAEV:

17 16:57:26 Q I have handed to you, Ms. Gelardi, what
18 16:57:32 has been marked as Plaintiff's Exhibit 20. I will
19 16:57:35 represent to you that it is another email that Adam
20 16:57:40 sent to you on April 29, 2017. It contains an
21 16:57:47 attachment. Do you recognize this document?

22 16:57:51 (Witness perusing document.)

23 16:57:54 A I did -- I do recognize it.

24 16:57:59 Q The subject of this email is, Additional
25 16:58:02 breakdown of IMEs, correct?

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1 S. Abdulrahim Gelardi

2 16:58:03 A Yes.

3 16:58:04 Q In the attachment is a lot of information
4 16:58:08 about the total number of IMEs conducted, the number
5 16:58:11 of law firms in every year that IME Watchdog had and
6 16:58:15 so on and so forth, correct?

7 16:58:18 A Yes.

8 16:58:25 Q What did you do with this email when you
9 16:58:28 received it?

10 16:58:29 A I don't recall. Like I said, Adam flooded
11 16:58:32 my emails.

12 16:58:59 Q After this email exchange between you and
13 16:59:02 Adam on April 28th and April 29th of '17, when was
14 16:59:07 the first time you had contact with him?

15 16:59:10 A When we met him at the diner.

16 16:59:17 Q Is your testimony that you received these
17 16:59:19 emails before you met with him?

18 16:59:22 A Yes.

19 16:59:24 Q You deny that you gave him any form of
20 16:59:26 money at the diner?

21 16:59:28 A Zero. Completely deny.

22 16:59:31 Q What is the name of the diner that you met
23 16:59:33 him at?

24 16:59:34 A The Irish Cottage.

25 16:59:36 Q That's in Forest Hills, correct?

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1 S. Abdulrahim Gelardi

2 16:59:38 A Correct.

3 16:59:38 Q Are you a regular there?

4 16:59:40 A No. He chose it.

5 16:59:42 Q Do you know whether he's a regular there?

6 16:59:47 Where did you sit at the diner?

7 16:59:52 A Inside. There was no outside seating.

8 16:59:56 Q Did you sit close to the entrance or

9 16:59:58 further inside?

10 17:00:02 A I don't recall the layout. I don't recall

11 17:00:04 the layout.

12 17:00:05 Q Is it a large establishment?

13 17:00:08 A I think I have only been there once or

14 17:00:11 twice. I don't recall.

15 17:00:12 Q Besides Adam, who else was there?

16 17:00:16 A There was Jamal, there was two Spanish

17 17:00:21 guys, I don't recall their names. There was Julie,

18 17:00:26 his girlfriend, there were someone -- there was

19 17:00:32 Gabby. It was about a bunch of eight or nine -- at

20 17:00:36 least eight or nine people.

21 17:00:38 Q You were there with Vito?

22 17:00:40 A Yes.

23 17:00:42 Q How much time passed between the time you

24 17:00:45 got the emails and the meeting?

25 17:00:48 A I don't remember.

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1 S. Abdulrahim Gelardi

2 17:00:52 Q Was it a week, was it a month?

3 17:00:57 A It was definitely more than that, but I
4 17:01:00 don't remember. It was the constant hounding, the
5 17:01:07 reason we met with him. You can laugh but it's
6 17:01:13 true.

7 17:01:13 Q Why did you meet with Adam after you
8 17:01:16 received these emails?

9 17:01:18 A Because he was very adamant, his father
10 17:01:24 was very adamant, they kept calling, they kept
11 17:01:28 harassing, oh my God, it was -- they're a lot.

12 17:01:32 Q Was it more than two months between the
13 17:01:35 time you got the emails in late April of '17 until
14 17:01:40 you met with Adam at the diner?

15 17:01:42 A It was some time. It definitely wasn't a
16 17:01:46 week or two.

17 17:01:48 Q You don't know if it was more than two
18 17:01:50 months?

19 17:01:53 A I don't recall.

20 17:01:54 Q Who paid for the food at the diner?

21 17:01:57 A We did.

22 17:01:58 Q How did you pay for it?

23 17:02:01 A Vito paid.

24 17:02:02 Q Did he pay in cash or card?

25 17:02:04 A I don't think we ever carry cash.

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1 S. Abdulrahim Gelardi

2 17:02:07 Q It was definitely a credit card?

3 17:02:10 A More than likely.

4 17:02:11 Q More than likely you used a IME Companions
5 17:02:15 business card?

6 17:02:16 A No. IME Companions wasn't formed.

7 17:02:23 Q You would have had to have used a personal
8 17:02:25 card or another business card, correct?

9 17:02:28 A I don't think we have any other business
10 17:02:28 cards.

11 17:02:28 MR. KATAEV: We are going to call for the
12 17:02:30 production of appropriately redacted credit
13 17:02:34 card statements for the time period of
14 17:02:36 April 2017 through July of 2017 to ascertain
15 17:02:42 the exact date that the meeting at the diner
16 17:02:43 happened.

17 17:02:47 (Counsel Request.)

18 17:02:47 BY MR. KATAEV:

19 17:03:00 Q Why did you feel it was incumbent upon you
20 17:03:04 to meet with Adam if you felt like he was annoying
21 17:03:06 you?

22 17:03:08 MR. WARNER: Objection to form. You can
23 17:03:08 answer.

24 17:03:16 A Why did I feel the need to meet with Adam
25 17:03:19 although I thought he was annoying; is that your

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1 S. Abdulrahim Gelardi

2 17:03:22 question?

3 17:03:23 Q Yes.

4 17:03:26 A To give him a chance to speak, to hear
5 17:03:34 what he had to say.

6 17:03:37 Q Why didn't you want to give him a chance
7 17:03:39 to speak?

8 17:03:42 A Because we were working with his father.
9 17:03:44 We were busy, we weren't interested in starting
10 17:03:49 another business.

11 17:03:54 MR. KATAEV: Let's mark this as 21.

12 17:04:25 MR. WARNER: Off the record.

13 17:04:34 THE VIDEOGRAPHER: The time is 5:04 p.m.

14 17:04:38 We are going off the record.

15 17:04:42 (Whereupon, an off-the-record discussion was held.)

16 17:05:50 THE VIDEOGRAPHER: The time is 5:05 p.m.

17 17:05:51 We are on the record.

18 17:06:03 BY MR. KATAEV:

19 17:06:04 Q We were drawing the prior exhibit marked
20 17:06:07 21. We will mark a different exhibit with that
21 17:06:12 number.

22 17:06:13 Before I get to the next exhibit, you
23 17:06:15 testified you were not interested in starting
24 17:06:16 another business at the time you met with Adam. If
25 17:06:19 that's the case, why did you incorporate V&S

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1 S. Abdulrahim Gelardi

2 17:06:24 Holdings?

3 17:06:25 A V&S Holdings was for our real estate
4 17:06:27 company.

5 17:06:28 Q If that's the case, why didn't you also
6 17:06:30 incorporate Med Mal USA?

7 17:06:33 A Med Mal was the business that were working
8 17:06:35 with his father on.

9 17:06:38 Q If that's the case, then why did you also
10 17:06:39 incorporate IME Guarddog on the same day?

11 17:06:44 A We did not incorporate IME Guarddog.

12 17:06:47 Q Did you list Adam Rosenblatt as the
13 17:06:50 incorporator to have some plausible deniability
14 17:06:53 about IME Guarddog?

15 17:06:56 A No.

16 17:06:58 MR. KATAEV: Let's mark this as 21.

17 17:07:02 (Plaintiff's Exhibit 21, Marked for Identification.)

18 17:07:18 (Witness perusing document.)

19 17:07:18 BY MR. KATAEV:

20 17:07:30 Q Before I get into introducing the exhibit,
21 17:07:32 generally speaking, all the emails that I have shown
22 17:07:35 you today have been either sent by you or received
23 17:07:38 by you in the ordinary course of business, correct?

24 17:07:43 A Okay, yes.

25 17:07:44 Q You don't deny that you specifically sent

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1 S. Abdulrahim Gelardi

2 17:07:48 or received any of these emails, correct?

3 17:07:51 A Correct.

4 17:07:53 Q With respect to Plaintiff's Exhibit 21, I
5 17:07:55 will represent to you it's another April 29, 2017
6 17:08:01 email from Adam to you and it contains an attachment
7 17:08:09 titled, Sales by client 2016.

8 17:08:12 Do you recognize this document?

9 17:08:14 A Yes.

10 17:08:14 Q In this document -- in this email, Adam
11 17:08:18 says to you, Attached please find sales by client
12 17:08:21 for 2016. Many of the clients prepay for IMEs on
13 17:08:26 the first of the month. Subin Associates gets an,
14 17:08:32 it says and, but he means an, a-n, 80 pack \$7,960.
15 17:08:37 Cherny gets a 40 pack, \$3,960, Cherny, C-h-e-r-n-y.
16 17:08:45 A number of other firms get smaller packs. On day
17 17:08:49 one I could bring in money. Adam.

18 17:09:00 Subin Associates is the first
19 17:09:01 customer that you obtained when you opened up IME
20 17:09:05 Companions, correct?

21 17:09:07 A No.

22 17:09:07 Q Which customer was the first one you
23 17:09:09 obtained when you opened up IME Companions?

24 17:09:14 A We obtained Liakas Law and Elefterakis,
25 17:09:28 Elefterakis & Panek first.

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1 S. Abdulrahim Gelardi

2 17:09:30 Q Subin was the third customer that you
3 17:09:32 obtained, correct?

4 17:09:34 A I want to say, I'm not sure. I'm not
5 17:09:36 sure.

6 17:09:41 Q The law firm Elefterakis, Elefterakis &
7 17:09:43 Panek has a familial relationship with Gregory
8 17:09:49 Elefterakis, correct?

9 17:09:51 A Yes.

10 17:09:52 Q What is the nature of that relationship?

11 17:09:57 A I believe Greg Elefterakis is the uncle of
12 17:09:59 the Elefterakis'.

13 17:10:03 Q And Liakas?

14 17:10:06 A And Liakas.

15 17:10:12 Q When you first formed -- withdrawn.

16 17:10:17 When you were in the process of
17 17:10:19 beginning the IME observer business, did you have
18 17:10:23 any meetings with Nicholas Elefterakis?

19 17:10:26 A No.

20 17:10:27 Q Same question for Nicholas Liakis?

21 17:10:31 A No personal meetings.

22 17:10:32 MR. KATAEV: L-i-a-k-a-s.

23 17:10:37 Q Did you have any phonecalls with either of
24 17:10:40 the two?

25 17:10:40 A I had one phonecall, yes.

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1 S. Abdulrahim Gelardi

2 17:10:43 Q With which one of them?

3 17:10:45 A Nick Elefterakis.

4 17:10:47 Q What did you say to him and what did he
5 17:10:48 say to you?

6 17:10:48 A It was a conference call between Nick,
7 17:10:53 Roman, I want to say Anthony, I'm not sure if
8 17:10:59 Anthony was there, Anthony Bridda, and myself and
9 17:11:03 Nick was on the call.

10 17:11:04 Q Was Vito present?

11 17:11:05 A No.

12 17:11:06 Q What was the conversation that was held
13 17:11:09 between all of you?

14 17:11:11 A Roman made the call, he introduced me to
15 17:11:13 Nick and he said, you know, Gregory was starting --
16 17:11:18 he was telling Nick -- obviously Greg had already
17 17:11:23 notified Nick that he was starting his own IME
18 17:11:27 service and we -- Roman just wanted to get any
19 17:11:32 questions or concerns that Nick may have on using
20 17:11:37 Gregory -- IME Companions, what we formed with
21 17:11:40 Gregory.

22 17:11:43 Q It's fair to say that Subin was the first
23 17:11:46 customer you obtained outside of family connections
24 17:11:50 to Gregory Elefterakis, correct?

25 17:11:55 A I don't think so.

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1 S. Abdulrahim Gelardi

2 17:12:13 Q Looking at the next four pages of this
3 17:12:16 exhibit, it says on the top left that this 2016
4 17:12:24 sales by customer summary was created on April 29,
5 17:12:29 2017 at 5:54 p.m., correct?

6 17:12:33 A Yes.

7 17:12:38 Q Based on this list, you were able to tell
8 17:12:41 which customers provided the most revenue to IME
9 17:12:48 Watchdog, correct?

10 17:12:50 A Yes.

11 17:12:54 Q If you go to the fourth page of the actual
12 17:12:59 exhibit, Bates-stamped 219, Subin Associates
13 17:13:04 generated \$131,645 of revenue to IME Watchdog,
14 17:13:15 correct?

15 17:13:16 A Yes.

16 17:13:17 Q Most of the law firms listed here are
17 17:13:20 somewhere in the high three figures, low four
18 17:13:23 figures in terms of revenue, correct?

19 17:13:26 A Yes.

20 17:13:43 Q Would it be fair to say that approximately
21 17:13:46 20 percent of IME Watchdog's business was generated
22 17:13:50 by Subin?

23 17:13:53 MR. WARNER: Objection to form.

24 17:13:54 A I have no idea.

25 17:13:57 MR. WARNER: It wouldn't be fair to say.

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1 S. Abdulrahim Gelardi

2 17:13:58 If you do math, Emanuel, a lot less than

3 17:14:03 20 percent. Less than 15 percent, if you can

4 17:14:12 do math.

5 17:14:22 MR. KATAEV: Let the document speak for

6 17:14:24 itself.

7 17:14:25 MR. WARNER: Sure. You divide 131 by 957

8 17:14:29 and you get a quick, off-the-hand maybe

9 17:14:32 14 percent.

10 17:14:35 MR. KATAEV: I've always wanted to do this

11 17:14:35 in a deposition. Hey Siri, what is \$131,000

12 17:14:39 divided by \$957,000?

13 17:14:40 It didn't work.

14 17:14:40 MR. WARNER: She won't talk.

15 17:14:59 MR. KATAEV: Anything else on this? Let's

16 17:15:05 go to 22.

17 17:15:06 (Plaintiff's Exhibit 22, Marked for Identification.)

18 17:15:31 (Witness perusing document.)

19 17:15:31 BY MR. KATAEV:

20 17:15:40 Q Ms. Gelardi, I have handed to you

21 17:15:42 Plaintiff's Exhibit 22, which I will represent to

22 17:15:49 you is a May 1st, 2017 email from Adam to you with

23 17:15:54 the subject, Needed. Are you familiar with this

24 17:15:58 email?

25 17:16:02 A Vaguely. Not really.

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1 S. Abdulrahim Gelardi

2 17:16:04 Q In this email, Adam provides you with a
3 17:16:08 list of items that you need to run an IME observer
4 17:16:12 business, correct?

5 17:16:21 A Um, it looks like he -- more diarrhea of
6 17:16:25 the email to me.

7 17:16:27 Q After you received this email in May of
8 17:16:31 '17, did you go about obtaining these items?

9 17:16:38 A No, I did not.

10 17:16:40 Q In the IME Companions office today, are
11 17:16:44 there two large white boards with markers?

12 17:16:48 A No, there is not.

13 17:17:03 Q In between the April 28th and April 29th
14 17:17:06 emails from 2017 and this email, did you speak with
15 17:17:10 Adam?

16 17:17:11 A No.

17 17:17:11 MR. KATAEV: 23.

18 17:17:30 (Plaintiff's Exhibit 23, Marked for Identification.)

19 17:17:51 (Witness perusing document.)

20 17:17:51 BY MR. KATAEV:

21 17:18:33 Q I have presented to you Plaintiff's 23,
22 17:18:37 which I will represent to you is a May 3, 2017 email
23 17:18:41 also from Adam to you with the subject, What the
24 17:18:44 invoice looks like and two attachments.

25 17:18:47 Do you recall receiving this email?

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1 S. Abdulrahim Gelardi

2 17:18:48 A Yes.

3 17:18:53 Q Was this email prompted by you asking him
4 17:18:57 for a copy of this information?

5 17:18:59 A No.

6 17:19:00 Q So it's your testimony that Adam was
7 17:19:03 randomly sending you emails from April 28th through
8 17:19:09 May 3rd with information?

9 17:19:10 A Absolutely, yes.

10 17:19:11 MR. WARNER: Objection to form.

11 17:19:18 Q In this email, there are two attachments
12 17:19:21 and each of them is a one-page invoice, correct?

13 17:19:24 A Yes.

14 17:19:26 Q Both of them are to Elefterakis,
15 17:19:27 Elefterakis & Panek, correct?

16 17:19:30 A Yes.

17 17:19:34 Q This is how you first learned that the
18 17:19:37 Elefterakis were involved with IME Watchdog,
19 17:19:41 correct?

20 17:19:46 A It piqued my interest that they had the
21 17:19:49 same name as Greg.

22 17:19:52 Q That's what prompted you to contact Greg,
23 17:19:54 correct?

24 17:19:55 A Yes.

25 17:20:41 Q Now in terms of -- I want to pin down the

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1 S. Abdulrahim Gelardi

2 17:20:47 testimony and be 100 percent accurate.

3 17:20:50 Your testimony is that --

4 17:20:52 MR. WARNER: Objection to form. You can

5 17:20:52 answer.

6 17:20:54 Q Your testimony is that you did not speak

7 17:20:58 with Adam at any point in time between the first

8 17:21:03 time you met him with Ron Rosenblatt and some point

9 17:21:07 after, potentially two months after these April 28

10 17:21:14 through May 3rd emails, correct?

11 17:21:16 MR. WARNER: I'm sorry, Madame Reporter, I

12 17:21:16 didn't hear the answer.

13 17:21:16 MR. KATAEV: Let's read it back and then

14 17:21:16 if necessary I will rephrase it.

15 17:21:52 (Whereupon, the referred to question was read back

16 17:21:52 by the reporter.)

17 17:21:52 BY MR. KATAEV:

18 17:21:56 Q In other words, I will break it down. You

19 17:21:57 testified about a meeting you had with Adam and Ron.

20 17:22:00 You also testified --

21 17:22:02 A Not a meeting, an introduction.

22 17:22:04 Q An introduction. You testified about a

23 17:22:06 meeting that you had with Adam and other IME

24 17:22:07 Watchdog individuals at a diner?

25 17:22:12 A Yes.

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1 S. Abdulrahim Gelardi

2 17:22:12 Q Your testimony today is that in between

3 17:22:15 those two meetings, even though there is emails from

4 17:22:18 April 28th through May 3rd, you did not have any

5 17:22:23 meetings or communications with Adam other than

6 17:22:26 those emails?

7 17:22:28 A That's correct, to my knowledge, the best

8 17:22:29 to my knowledge.

9 17:22:33 MR. KATAEV: This is 24.

10 17:22:34 (Plaintiff's Exhibit 24, Marked for Identification.)

11 17:22:52 (Witness perusing document.)

12 17:22:52 BY MR. KATAEV:

13 17:23:20 Q I presented to you Plaintiff's Exhibit 24,

14 17:23:22 which I will represent to you is a May 3, 2017 email

15 17:23:26 from Adam to you and an individual named Yaniv,

16 17:23:30 Y-a-n-i-v at Luminasystems.com with the subject,

17 17:23:36 Website concept, correct?

18 17:23:38 A Yes.

19 17:23:41 Q You're familiar with this email?

20 17:23:44 A Vaguely.

21 17:23:47 Q In this email Adam says to Yaniv and you

22 17:23:50 that it was a pleasure meeting Yaniv today; do you

23 17:23:55 see that?

24 17:23:56 A Yes.

25 17:23:58 Q Do you recall meeting with Adam and Yaniv

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1 S. Abdulrahim Gelardi

2 17:24:00 about the website for a competing company?

3 17:24:03 A No.

4 17:24:05 Q Do you recall that you discussed needing a
5 17:24:07 website for IME Guarddog?

6 17:24:11 A No.

7 17:24:11 Q Do you still deny that you formed IME
8 17:24:14 Guarddog the following day?

9 17:24:16 A Yes, I totally deny it.

10 17:24:20 Q In this email, it says that the website
11 17:24:22 that's going to be made for IME Guarddog is going to
12 17:24:25 have a, "Significant amount of content to be taken
13 17:24:29 from IME Watchdog." Do you see that?

14 17:24:32 A Yes.

15 17:24:32 Q Is this conduct with respect to the
16 17:24:38 website basically the conduct that you engaged in
17 17:24:42 with the rest of the formation of IME Companions?

18 17:24:48 MR. WARNER: Objection to form. You can
19 17:24:51 answer?

20 17:24:52 A I don't understand.

21 17:24:53 Q Is what you did with the website taking
22 17:24:56 IME's content and using it for a competing website
23 17:25:01 the same thing that you did to form Companions?

24 17:25:05 A I still don't understand the question.

25 17:25:08 Q In other words, to create the website you

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1 S. Abdulrahim Gelardi

2 17:25:10 used the content of IME Watchdog, correct?

3 17:25:13 A No.

4 17:25:13 Q It says in this email that Adam wrote that

5 17:25:16 you discussed taking a significant amount of content

6 17:25:18 to be taken from the IME Watchdog website.

7 17:25:22 A It looks like he discussed that with

8 17:25:24 Yaniv.

9 17:25:25 Q Are you denying that you were present at
10 17:25:26 the meeting?

11 17:25:27 A I was not at this meeting.

12 17:25:29 Q Were you participating in this meeting by
13 17:25:31 phone?

14 17:25:32 A No.

15 17:25:32 Q Did you participate in this meeting in any
16 17:25:35 way?

17 17:25:36 A No.

18 17:25:39 MR. KATAEV: 25.

19 17:26:05 (Plaintiff's Exhibit 25, Marked for Identification.)

20 17:26:06 BY MR. KATAEV:

21 17:26:18 Q With respect to the immediately preceding

22 17:26:20 Exhibit 24, why were you copied on the email with

23 17:26:25 Adam and Yaniv?

24 17:26:28 A I think that's a question for Adam. I

25 17:26:38 don't know.

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1 S. Abdulrahim Gelardi

2 17:26:39 Q I have given you a document marked as
3 17:26:46 Plaintiff's Exhibit 25. It's a -- I will represent
4 17:26:50 to you it's an email dated June 23rd, 2017 from Adam
5 17:26:56 to you and he's forwarding to you an email he
6 17:27:01 received from Yaniv with a proposal to create the
7 17:27:07 website; do you see that?

8 17:27:09 A Yes.

9 17:27:09 Q This Yaniv is the same person you used for
10 17:27:12 Med Mal's website, right?

11 17:27:14 A Yes.

12 17:27:17 Q Did you open this email when you received
13 17:27:19 it on June 23rd?

14 17:27:22 A I don't recall.

15 17:27:22 Q Did the email contain an agreement to be
16 17:27:29 signed electronically?

17 17:27:31 A I don't recall.

18 17:27:32 Q Do you recall signing an electronic
19 17:27:37 agreement to have Lumina Systems create the website
20 17:27:41 for you for IME Guarddog?

21 17:27:45 A No, I don't recall.

22 17:27:46 MR. KATAEV: I'm going to call for the
23 17:27:47 production of all emails and test messages with
24 17:27:49 Lumina Systems. We will follow up in writing.

25 17:27:52 (Counsel Request.)

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1 S. Abdulrahim Gelardi

2 17:27:52 BY MR. KATAEV:

3 17:27:53 Q Is it fair to say that based on these
4 17:28:01 emails you were working with Lumina and Yaniv at the
5 17:28:04 time?

6 17:28:08 A I believe we were still working together
7 17:28:10 on Med Mal, yes.

8 17:28:13 Q Go to 262 from this exhibit. It's about
9 17:28:18 the fourth page in.

10 17:28:19 A Um-hum.

11 17:28:22 Q This is an email exchange between you,
12 17:28:24 Adam and Yaniv on the same subject, correct?

13 17:28:27 MR. WARNER: Objection. It's several
14 17:28:27 emails it looks to me.

15 17:28:34 Q Looking at the bottom for the email that
16 17:28:36 was sent at 8:18 by Adam, Adam notifies Yaniv that
17 17:28:41 there is going to be a changed name and now it's
18 17:28:43 going to be IME Sentinel; do you see that?

19 17:28:47 A Yes.

20 17:28:48 Q Who decided to change --

21 17:28:49 MR. WARNER: I'm sorry. Are you looking
22 17:28:51 at 263?

23 17:28:53 MR. KATAEV: Two.

24 17:28:58 MR. WARNER: I apologize.

25

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1 S. Abdulrahim Gelardi

2 17:28:58 BY MR. KATAEV:

3 17:29:00 Q Whose decision was it to change the name
4 17:29:02 from IME Guarddog to IME Sentinel?

5 17:29:06 A Looks like Adam.

6 17:29:07 Q You did not participate in this decision?

7 17:29:10 A No.

8 17:29:10 Q He just copied you on that email, correct?

9 17:29:13 A Yes.

10 17:29:17 Q Two days later, Yaniv confirms and says he
11 17:29:22 will update the proposal, correct?

12 17:29:24 A Yes.

13 17:29:25 Q On the same day you ask him to send the
14 17:29:28 proposal because you can't find the breakdown for
15 17:29:31 the cost, correct?

16 17:29:33 A Yes.

17 17:29:33 Q You asked him for that because you were
18 17:29:35 going to be the person responsible in terms of
19 17:29:37 financing the website, correct?

20 17:29:39 A No. I wanted to see a breakdown.

21 17:29:44 Q I have a general question and I hope you
22 17:29:46 don't take offense to it. Do you have any problems
23 17:29:49 with your memory?

24 17:29:51 A Sometimes, I mean, lately.

25 17:29:54 Q Did you suffer any injury or hit your head

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1 S. Abdulrahim Gelardi

2 17:29:56 in any way that would affect your ability to

3 17:29:58 remember things?

4 17:29:59 A No.

5 17:30:00 Q Have you ever been involved in some sort

6 17:30:02 of accident or anything like that?

7 17:30:04 A No.

8 17:30:05 Q Do you suffer from any mental condition

9 17:30:08 concerning your memory?

10 17:30:09 A No.

11 17:30:09 Q Have you ever been diagnosed with anything

12 17:30:11 related to your memory?

13 17:30:13 A No.

14 17:30:14 Q Did you ever visit a doctor about your

15 17:30:15 memory?

16 17:30:16 A No.

17 17:30:16 Q You don't have a neurologist, correct?

18 17:30:18 A No.

19 17:30:22 MR. KATAEV: Let's take a break. We will

20 17:30:25 go off the record.

21 17:30:27 THE VIDEOGRAPHER: The time is 5:30 p.m.

22 17:30:28 We are going off the record.

23 17:30:34 (Whereupon, a short recess was taken.)

24 17:40:04 THE VIDEOGRAPHER: The time is 5:40. We

25 17:40:11 are back on the record.

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1 S. Abdulrahim Gelardi

2 17:40:15 MR. SHALIT: This is Leo Shalit. I'm

3 17:40:17 counsel to Third-party Defendant Carlos Roa.

4 17:40:20 There has been an off-the-record conversation

5 17:40:22 between the parties. Unfortunately, I have to

6 17:40:24 physically leave this deposition, but I will be

7 17:40:27 continuing to join it electronically. I have

8 17:40:29 logged in with the Teams application and my

9 17:40:33 client consents to the foregoing.

10 17:40:38 THE VIDEOGRAPHER: The time is 5:40 p.m.

11 17:40:39 We are going off the record.

12 17:40:46 (Whereupon, an off-the-record discussion was held.)

13 17:42:37 THE VIDEOGRAPHER: The time is 5:42 p.m.

14 17:42:40 We are back on the record.

15 17:42:45 BY MR. KATAEV:

16 17:42:48 Q Ms. Gelardi, we are back on the record

17 17:42:55 following another break, and I want to represent to

18 17:43:00 you that my colleague here at my firm noticed that

19 17:43:05 there has been exchange of text messages between

20 17:43:07 yourself and your husband during the deposition.

21 17:43:11 To the extent that that happened, we

22 17:43:14 are going to call for the production of those text

23 17:43:17 messages. While there is a marital privilege, we

24 17:43:19 submit that the marital privilege does not apply

25 17:43:22 while you're in a live deposition. We'll deal with

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1 S. Abdulrahim Gelardi

2 17:43:26 that with your attorneys after, no need to respond

3 17:43:28 to anything, but I'm putting that on the record.

4 17:43:32 Before I get into more exhibits, we

5 17:43:39 are asking you first to preserve those text

6 17:43:40 messages. Please do not delete any. We will deal

7 17:43:48 with it after. Please preserve them.

8 17:43:49 I also have some other general

9 17:43:53 questions for you. In the course of performing your

10 17:43:58 duties and IME Companions, are you familiar with

11 17:44:02 what an SLR test is?

12 17:44:06 A No.

13 17:44:07 Q Do you know what the acronym SLR stands

14 17:44:10 for?

15 17:44:11 A No.

16 17:44:17 Q Do you know how an SLR test is performed?

17 17:44:20 A No.

18 17:44:21 Q Do you know -- if I told you that an SLR

19 17:44:25 test refers to a straight leg raise, does that

20 17:44:30 refresh your recollection as to what a SLR test is?

21 17:44:33 A Straight leg raise, you said?

22 17:44:36 Q Yes. Do you know what a straight leg

23 17:44:41 raise tests for?

24 17:44:43 A No.

25 17:44:44 Q Same question for Hawkins test, are you

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1 S. Abdulrahim Gelardi

2 17:44:47 familiar with that term?

3 17:44:48 A No.

4 17:44:49 Q Hawkins is H-a-w-k-i-n-s. Same question

5 17:44:53 for a Neers test, N-e-e-r test, do you know what

6 17:44:59 that is used for?

7 17:45:01 A No.

8 17:45:01 Q Same question for Spurlings test.

9 17:45:03 S-p-u-r-l-i-n-g-s.

10 17:45:08 A No.

11 17:45:09 Q Are you familiar with what the following

12 17:45:11 device is, it's call an ophthalmoscope?

13 17:45:13 O-p-t-h-a-l-m-a-s-c-o-p-e.

14 17:45:22 A No.

15 17:45:23 Q What about a goniometer?

16 17:45:24 G-o-n-i-o-m-e-t-e-r.

17 17:45:30 A I'm familiar with that one.

18 17:45:32 Q Can you repeat that?

19 17:45:35 A I am familiar with the goniometer.

20 17:45:38 Q What is that?

21 17:45:39 A It's a tool that physicians use to find

22 17:45:45 out the range of motion.

23 17:45:47 Q Of?

24 17:45:48 A Of whatever they're examining, whatever

25 17:45:52 joint.

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1 S. Abdulrahim Gelardi

2 17:45:55 Q Okay. When did you first learn about this
3 17:45:58 particular tool?

4 17:46:00 A I learned about it during an IME exam.

5 17:46:04 Q Was that an IME exam that you observed?

6 17:46:08 A Yes.

7 17:46:08 Q Initially when you first started IME
8 17:46:12 Companions, you observed many IMEs?

9 17:46:14 A I did.

10 17:46:15 Q Currently in running your business, do you
11 17:46:17 still observe any IMEs?

12 17:46:19 A No.

13 17:46:23 Q Do you have any knowledge about what the
14 17:46:25 McDonald test is?

15 17:46:27 A No.

16 17:46:29 Q Are you familiar with the difference
17 17:46:29 between internal and external rotations?

18 17:46:34 A Yes.

19 17:46:35 Q Can you describe them to me in laymen's
20 17:46:37 terms?

21 17:46:39 A In laymen's term, the internal rotation is
22 17:46:43 when you take the body part and you rotate it
23 17:46:46 internally and same thing with external.

24 17:46:49 Q The converse?

25 17:46:50 A Yes.

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1 S. Abdulrahim Gelardi

2 17:46:51 Q You similarly learned that in the process
3 17:46:55 of working and building IME Companions, correct?

4 17:46:59 A Correct.

5 17:46:59 Q Working at and building IME Companions,
6 17:47:01 correct?

7 17:47:02 A Yes.

8 17:47:03 Q Are you familiar with the difference
9 17:47:04 between a flexion and an extension?

10 17:47:09 A No.

11 17:47:10 Q Are you familiar with the difference
12 17:47:11 between abduction versus adduction?

13 17:47:15 A No.

14 17:47:18 Q Similar questions: What about Hoffman's
15 17:47:19 sign, H-o-f-f-m-a-n's sign, are you familiar with
16 17:47:27 what that is?

17 17:47:29 A No.

18 17:47:36 Q With respect to the items that you did
19 17:47:38 have knowledge about, you learned about that after
20 17:47:41 forming Companions, correct?

21 17:47:44 A Correct.

22 17:48:12 MR. KATAEV: Let's have this marked as 26.
23 17:48:15 (Plaintiff's Exhibit 26, Marked for Identification.)

24 17:48:49 (Witness perusing document.)

25

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1 S. Abdulrahim Gelardi

2 17:48:49 BY MR. KATAEV:

3 17:48:55 Q I have handed to you Plaintiff's
4 17:48:56 Exhibit 26, which I will represent to you are emails
5 17:49:01 that Adam Rosenblatt received from Capital One's
6 17:49:04 banking system to Adam himself, and each of these
7 17:49:11 documents contains information about money sent via
8 17:49:16 Zelle either from IME Companions, LLC or I believe
9 17:49:24 you personally. Do you recognize these documents?

10 17:49:28 A Yes.

11 17:49:29 Q Do you recall answering questions about
12 17:49:31 these documents at the Show Cause Hearing?

13 17:49:33 A Yes.

14 17:49:35 Q My question is with respect to the first
15 17:49:37 page. Why is it that you sent Adam \$100 on
16 17:49:42 October 8, 2018?

17 17:49:50 A I sent Adam the Zelle for the use of one
18 17:49:58 of his Watchdogs.

19 17:50:03 Q Which Watchdog was that?

20 17:50:09 A I don't recall. I don't know. I used his
21 17:50:12 Watchdog interpreters at times and this is the
22 17:50:16 payment for their service.

23 17:50:20 Q Did you pay Adam for the use of that
24 17:50:22 Watchdog on the same day that the Watchdog was used?

25 17:50:27 A Yes. No, I'm sorry. I retract that

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1 S. Abdulrahim Gelardi

2 17:50:32 statement. I heard you wrong.

3 17:50:34 No, I did not pay him on the same day

4 17:50:37 it was used.

5 17:50:38 Q How would it work?

6 17:50:40 A At the end of the month.

7 17:50:42 Q This payment --

8 17:50:43 A Or the beginning of the month.

9 17:50:45 Q Which one it is?

10 17:50:46 A It could be either one. At the end of the

11 17:50:50 month, he would tally how many Watchdog interpreters

12 17:50:53 he allowed me -- he referred to me and I would make

13 17:50:57 payment for their services.

14 17:51:00 Q And why is that you did not Zelle Daniella

15 17:51:05 or IME Watchdog money for the use of its Watchdog?

16 17:51:12 A Adam didn't give me any other options.

17 17:51:16 Q Is this something that you would do often,

18 17:51:18 pay Adam for using a Watchdog of IME Watchdogs?

19 17:51:25 A At times, yes.

20 17:51:26 Q Is it your testimony today that you needed

21 17:51:29 to use Plaintiff's Watchdogs to cover IMEs sometimes

22 17:51:34 for your business?

23 17:51:38 A It is my testimony that I have used the

24 17:51:40 Watchdog interpreters at times for last-minute

25 17:51:43 requests for my clients, yes.

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1 S. Abdulrahim Gelardi

2 17:51:47 Q You would pay Adam for that?

3 17:51:49 A Yes.

4 17:51:52 Q To your knowledge, was Daniella Levi aware
5 17:51:53 that this was going on?

6 17:51:57 A I have no idea.

7 17:51:58 Q As you sit here today, do you believe she
8 17:52:00 was aware of it?

9 17:52:02 A I don't.

10 17:52:02 Q Why is that?

11 17:52:07 A I don't believe -- I don't believe
12 17:52:07 anything Adam said anymore.

13 17:52:14 Q Why didn't you contact Daniella?

14 17:52:20 A I don't know.

15 17:52:23 Q How much would you pay for every IME
16 17:52:28 interpreter?

17 17:52:30 A It varies. If it was in New York City, it
18 17:52:33 would be \$60. Outside New York City depending on
19 17:52:38 where, it would be either plus \$40 -- depending on
20 17:52:43 the distance, Nassau \$40, Suffolk \$65 on top of the
21 17:52:48 \$60.

22 17:52:50 Q This particular payment of \$100 was for
23 17:52:53 what?

24 17:52:53 A I don't know.

25 17:52:55 Q How did you keep track of how much you

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1 S. Abdulrahim Gelardi

2 17:52:58 owed Adam for doing these things?

3 17:53:00 A It was a handful of times. There was no
4 17:53:08 need for tracking.

5 17:53:13 Q Going to the next page on November 11,
6 17:53:15 2019, you sent another \$100; is that correct?

7 17:53:20 A Yes.

8 17:53:23 Q Do you recall specifically why you sent
9 17:53:25 this amount of money to him?

10 17:53:27 A For the same reason. I used his Watchdog
11 17:53:29 interpreter for a last-minute request.

12 17:53:35 Q Are these payments by Zelle to Adam not
13 17:53:40 some sort of reward for referring you a customer
14 17:53:44 that IME Watchdog originally had?

15 17:53:46 A No.

16 17:53:50 Q Isn't it true that you paid Adam \$10 for
17 17:53:53 every IME that he booked with you?

18 17:53:57 A No.

19 17:54:00 Q Did you think it was appropriate to pay
20 17:54:02 Adam Rosenblatt personally instead of IME Watchdog?

21 17:54:07 A It was Adam's recommendation. He stated
22 17:54:16 IME Guards did the same thing, that it was a common
23 17:54:19 practice between the IMEs, between IME Watchdog and
24 17:54:25 IME Guards.

25 17:54:26 Q On the third page on March 5, 2020, you

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1 S. Abdulrahim Gelardi

2 17:54:30 sent Adam \$230, correct?

3 17:54:33 A Yes.

4 17:54:33 Q To your knowledge, what was this for?

5 17:54:37 A For the same reason. Using an IME

6 17:54:39 Watchdog interpreter for a last-minute request.

7 17:54:42 Q When you say interpreter, are you

8 17:54:44 referring to someone who knows a language other than

9 17:54:48 English?

10 17:54:48 A Yes.

11 17:54:49 Q Which languages are those?

12 17:54:50 A Usually Spanish.

13 17:55:01 Q Prior to the time that you began paying

14 17:55:07 Adam by Zelle in October of 2019, did you pay Adam

15 17:55:11 for any kind of service he provided for any other

16 17:55:16 reason by any other method?

17 17:55:18 MR. WARNER: Objection to form.

18 17:55:18 A No.

19 17:55:19 Q Did you ever pay Adam in cash?

20 17:55:22 A Never.

21 17:55:22 Q Isn't it true that you started paying Adam

22 17:55:24 by Zelle because of your pregnancy and/or the birth

23 17:55:26 of your child?

24 17:55:30 A No.

25 17:55:48 Q If the converse was done where Daniella

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1 S. Abdulrahim Gelardi

2 17:55:51 Levi would pay Carlos by Zelle for letting him use

3 17:55:55 Companions to cover last-minute request, would you

4 17:55:59 be okay with that?

5 17:56:00 A They probably did.

6 17:56:02 Q Would you be okay with it?

7 17:56:03 A No.

8 17:56:06 Q You advertised for IME Companions that you

9 17:56:09 accept all last-minute requests, correct?

10 17:56:12 A Yes.

11 17:56:21 Q Did the fact that Adam would help you

12 17:56:23 cover last-minute requests with Watchdogs give you

13 17:56:28 the ability to advertise that you could cover

14 17:56:28 last-minute requests?

15 17:56:30 A No.

16 17:56:30 Q How would you be able to cover last-minute

17 17:56:41 requests without Adam?

18 17:56:46 A I had many people. I would either -- how

19 17:56:51 would I cover the last-minute requests without Adam?

20 17:57:00 I would make sure it happened. I don't know. I

21 17:57:02 would have Carlos go or anyone.

22 17:57:08 Q On the fourth page on July 3rd, 2020, you

23 17:57:11 paid Adam \$200, correct?

24 17:57:13 A Yes.

25 17:57:15 Q Do you have any knowledge as you sit here

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1 S. Abdulrahim Gelardi

2 17:57:16 today what this payment was for?

3 17:57:20 A This payment was for the purpose of a
4 17:57:23 referral of an IME Watchdog interpreter to interpret
5 17:57:26 for one of my clients at an IME exam.

6 17:57:36 Q It's fair to say that when you are unable
7 17:57:39 to cover an IME, you would rely on Adam to do it and
8 17:57:43 you would pay him for it, correct?

9 17:57:47 MR. WARNER: Objection to form. You can
10 17:57:47 answer.

11 17:57:49 A It was convenient. It wasn't -- I
12 17:57:51 wouldn't solely rely on that but it became a
13 17:57:55 connivence.

14 17:57:55 Q Is it your testimony that the payments
15 17:57:57 that you made to Adam were solely for the purpose of
16 17:57:59 covering last-minute request IMEs that you couldn't
17 17:58:04 cover?

18 17:58:05 A Yes.

19 17:58:50 MR. KATAEV: For the record, it's Leo
20 17:58:58 Shalit.

21 17:59:01 Q Go to the seventh page of this exhibit to
22 17:59:12 the July 31st, 2020 email.

23 17:59:17 (Witness perusing document.)

24 17:59:17 BY MR. KATAEV:

25 17:59:28 Q Are you there?

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1 S. Abdulrahim Gelardi

2 17:59:29 A No, I can't find it.

3 17:59:31 Q It's the seventh page.

4 17:59:33 A Yes, I see it.

5 17:59:35 Q On July 1st, 2020 you paid Adam \$400,

6 17:59:44 correct?

7 17:59:46 A Correct.

8 17:59:47 Q Is it fair to say that as a result of the

9 17:59:49 increase in the amount, you were relying more and

10 17:59:52 more on Adam to cover IMEs?

11 18:00:01 A It could be that they were just farther in

12 18:00:02 distance, it could be there were more.

13 18:00:07 Q Were there any other reasons that you paid

14 18:00:10 Adam via Zelle?

15 18:00:13 A I paid through Adam for the Watchdogs. I

16 18:00:18 did not pay Adam for Adam. I paid Adam for the

17 18:00:23 Watchdog services.

18 18:00:28 Q You paid him because it was convenient if

19 18:00:31 you needed another Watchdog to cover an IME and you

20 18:00:34 didn't have one, correct?

21 18:00:37 A Yes.

22 18:00:38 Q And that convenience saved you time,

23 18:00:40 right?

24 18:00:43 A Yes.

25 18:00:43 Q The phrase that we often hear and accept

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1 S. Abdulrahim Gelardi

2 18:00:47 is, Time is money, correct?

3 18:00:52 A If I have ever heard that phrase before?

4 18:00:55 Q Yes.

5 18:00:56 A I have heard the phrase.

6 18:01:06 Q How much is your average IME invoice to a
7 18:01:09 client?

8 18:01:09 A \$175 on average for the first hour.

9 18:01:14 Q To your knowledge, which Watchdogs would
10 18:01:17 cover the IME?

11 18:01:22 A To my knowledge, I recall him using names
12 18:01:29 like Ulysses, I recall him saying the name Ishmael,
13 18:01:34 I recall Gabby, but I never spoke to them directly
14 18:01:40 other than Gabby.

15 18:01:43 Q Would you pay these individuals
16 18:01:47 separately?

17 18:01:48 A I would pay through Adam for them.

18 18:01:53 Q Was the money paid via Zelle intended for
19 18:01:56 both Adam and the Watchdog?

20 18:01:58 A No. Just for the Watchdog services.

21 18:02:03 Q Adam didn't receive any financial benefit
22 18:02:06 is what you're saying?

23 18:02:08 A Not from me, no.

24 18:02:10 Q As far as you understood it, the money you
25 18:02:12 paid Adam was designed to be paid to the Watchdog

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1 S. Abdulrahim Gelardi

2 18:02:15 that did it?

3 18:02:16 A Correct.

4 18:02:16 Q With nothing paid to Adam?

5 18:02:19 A Correct.

6 18:02:24 MR. KATAEV: Let's take a break. Off the
7 18:02:26 record.

8 18:02:27 THE VIDEOGRAPHER: The time is 6:02 p.m.

9 18:02:29 We are going off the record.

10 18:02:32 (Whereupon, an off-the-record discussion was held.)

11 18:09:44 THE VIDEOGRAPHER: The time is 6:09 p.m.

12 18:09:49 We are back on the record.

13 18:09:57 MR. KATAEV: Back from a break during
14 18:09:58 which we had some technical issues. For the
15 18:10:04 record, Leo Shalit who is representing
16 18:10:06 Third-party Defendant Carlos Roa is present by
17 18:10:10 phone. He had to leave early due to family
18 18:10:11 obligations.

19 18:10:14 Can I have the last question and answer
20 18:10:16 read back, please?

21 18:10:17 (Whereupon, the referred to testimony was read back
22 18:10:17 by the reporter.)

23 18:10:17 BY MR. KATAEV:

24 18:10:54 Q When these Watchdogs would conduct the
25 18:11:02 observations of an IME for Companions, how would you

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1 S. Abdulrahim Gelardi

2 18:11:05 obtain the report from them?

3 18:11:10 A I used IME Watchdog interpreters, not
4 18:11:15 observers. They only interpreted for my clients.

5 18:11:22 Q You mentioned that Gabby is one of the
6 18:11:26 individuals that you used, correct?

7 18:11:28 A Correct.

8 18:11:29 Q Gabby only knows English. Are you aware
9 18:11:31 of that?

10 18:11:32 A Yes.

11 18:11:33 Q She's not an interpreter, correct?

12 18:11:35 A That's correct.

13 18:11:36 Q Why would you pay Adam for the use of
14 18:11:39 Gabby's service?

15 18:11:40 A I never paid Adam for Gabby's service.
16 18:11:42 Gabby reached out to me and asked me to pay her
17 18:11:46 directly. Adam didn't give me the option to do that
18 18:11:48 with the other Watchdogs. He demanded payment go
19 18:11:52 through him so I wouldn't even know most of the time
20 18:11:56 the identity of the Watchdog.

21 18:12:03 Q If Gabby only knows English and did not do
22 18:12:07 interpreting services, did Gabby do regular IMEs?

23 18:12:10 A Yes.

24 18:12:11 Q How would you obtain the report from her?

25 18:12:14 A Gabby would email us like all the other

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1 S. Abdulrahim Gelardi

2 18:12:17 Companions.

3 18:12:18 MR. KATAEV: We are going to call for the

4 18:12:20 production of all emails between Gabby and

5 18:12:23 Companions and Safa. We will follow up in

6 18:12:23 writing.

7 18:12:24 (Counsel Request.)

8 18:12:24 BY MR. KATAEV:

9 18:12:25 Q You testified generally that Adam would

10 18:12:28 demand that the Zelle payments be sent to him so he

11 18:12:31 can pay the Watchdogs himself without, as far as you

12 18:12:34 know, any financial benefit to him.

13 18:12:37 Why would Adam do this?

14 18:12:40 A I don't know. I'm -- I don't know.

15 18:12:48 Q Did you have --

16 18:12:49 A The Watchdogs -- Adam explained to me that

17 18:12:52 the Watchdogs were independent contractors working

18 18:12:55 on behalf of Watchdogs. He explained to me that

19 18:13:00 this is a common practice and that, you know, IME

20 18:13:05 Watchdogs and IME Guards do the same.

21 18:13:11 Q Did you have contact with any Watchdogs

22 18:13:13 other than Gabby?

23 18:13:15 A No.

24 18:13:16 Q When you received the report, whose

25 18:13:25 letterhead would be on it?

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1 S. Abdulrahim Gelardi

2 18:13:27 A IME Companions.

3 18:13:30 MR. WARNER: Objection to form. What
4 18:13:31 report are you referring to?

5 18:13:33 MR. KATAEV: The IME report.

6 18:13:35 A Gabby's IME report.

7 18:13:35 MR. WARNER: Gabby's IME report. Okay.

8 18:13:35 BY MR. KATAEV:

9 18:13:38 Q Did you ever use any IME Guards to cover
10 18:13:41 any IMEs?

11 18:13:42 A No.

12 18:13:50 Q It's your testimony that you started doing
13 18:13:52 this in 2019, but you did not do it in 2017 or 2018?

14 18:13:59 A I did not because it wasn't brought to my
15 18:14:02 attention.

16 18:14:03 Q What wasn't brought to your attention?

17 18:14:05 A That this was a standard practice between
18 18:14:07 Watchdog and Guards.

19 18:14:10 Q How did it come to your attention?

20 18:14:12 A Adam told me.

21 18:14:14 Q Why were you in contact with Adam in 2019?

22 18:14:18 A Adam came in contact with me after my
23 18:14:21 mother died.

24 18:14:23 Q Why did he get in contact with you after
25 18:14:26 your mother died?

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1 S. Abdulrahim Gelardi

2 18:14:27 A I don't recall. I remember we -- I

3 18:14:31 remember -- I don't recall. I just remember we had

4 18:14:35 contact after my mom died.

5 18:14:41 Q If you go to the page in this exhibit that

6 18:14:43 has the date November 11, 2020.

7 18:14:49 (Witness perusing document.)

8 18:15:03 A I don't have a November 11th.

9 18:15:04 MR. WARNER: Take a look at this.

10 18:15:12 Q This exhibit -- for this page of the

11 18:15:14 exhibit, you personally paid Adam \$160, correct?

12 18:15:20 A Correct.

13 18:15:20 Q That money did not come from the IME

14 18:15:24 Companions account, correct?

15 18:15:25 A Correct.

16 18:15:26 Q Why did you personally pay him instead of

17 18:15:28 through IME Companions?

18 18:15:30 A That must have been an error and I'm sure

19 18:15:33 I asked for it to come back and then re-sent through

20 18:15:34 IME Companions.

21 18:15:35 Q Why was that?

22 18:15:37 A It was an error. I didn't mean to pay him

23 18:15:41 through personal. I meant to pay him through IME

24 18:15:44 Companions because it was used for IME Companions.

25 18:15:53 Q If you go to the March 9th, 2021 and

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1 S. Abdulrahim Gelardi

2 18:15:57 April 2nd, 2021 pages. On these pages --

3 18:16:07 A March 9th of what?

4 18:16:09 Q March 9, '21 and April 2nd, 2021. In

5 18:16:21 these two payments, the amount of payment is

6 18:16:27 divisible by ten, correct?

7 18:16:31 MR. WARNER: Is divisible by ten?

8 18:16:34 MR. KATAEV: That's correct.

9 18:16:35 A I think most of them are divisible by ten.

10 18:16:38 Q These have ten, not just a straight 100 or

11 18:16:41 200, correct?

12 18:16:42 A Correct.

13 18:16:42 Q The reason for that is because, like Adam

14 18:16:45 said, he was paid \$10 per IME referred to you,

15 18:16:49 correct?

16 18:16:51 A Wrong.

17 18:16:56 Q When you sent an IME interpreter from

18 18:16:59 Watchdog, is it your testimony that a Companion

19 18:17:01 observed the IME and the Watchdog interpreter was

20 18:17:06 with that Companion?

21 18:17:07 A No.

22 18:17:08 Q How would it work?

23 18:17:10 A A Watchdog would find a client in the

24 18:17:12 office. Most of the time it would be -- do you have

25 18:17:17 anyone at this office, I forgot to order a

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1 S. Abdulrahim Gelardi

2 18:17:21 Companion. I would find out to see if anyone was

3 18:17:25 close enough.

4 18:17:25 I would do my best to get my own

5 18:17:29 people there and then I would ask Adam if we are

6 18:17:32 over 30 minutes or 40 minutes away and we are not in

7 18:17:35 that office, then I would ask Adam -- call Adam and

8 18:17:35 ask him, Do you have anyone at 717 Church, do you

9 18:17:39 have anyone at whatever location, and if the answer

10 18:17:42 was yes, I would have him find my client and once he

11 18:17:48 found my client, confirmed with me that the

12 18:17:50 interpreter was there with them, then that was it,

13 18:17:55 just let me know when you're done.

14 18:17:59 Q What you're saying then is the interpreter
15 18:18:02 was also the observer?

16 18:18:04 A Not observer, only interpreter.

17 18:18:08 Q So if the interpreter came and was with

18 18:18:11 the client, was a Companion observer there at the

19 18:18:14 same time?

20 18:18:15 A No. They the majority of these exams were
21 18:18:19 for no-fault. No need for a report. It was just
22 18:18:21 for interpretation purposes only.

23 18:18:24 Q When you sent anyone from Companions or

24 18:18:34 obtained anyone from Watchdog for a no-fault exam or

25 18:18:39 IME, did you keep a record of the date, customer,

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1 S. Abdulrahim Gelardi

2 18:18:42 personal injury plaintiff and the observer at

3 18:18:49 Companions that attended for that IME or no-fault

4 18:18:52 exam?

5 18:18:55 A I would.

6 18:19:00 Q Did you record in those records the name

7 18:19:03 of the person from Watchdog that covered it?

8 18:19:06 A No.

9 18:19:07 Q Why is that?

10 18:19:08 A Because I never had the name of the person

11 18:19:10 there.

12 18:19:12 Q Would you notate it in any other form?

13 18:19:14 Would you write, WD, for example?

14 18:19:17 A Yes.

15 18:19:17 Q Based on those records, we would be able

16 18:19:20 to determine that a Watchdog observer was present,

17 18:19:24 correct, or interpreter was present, correct?

18 18:19:28 A Sometimes it would say interpreter,

19 18:19:29 sometime it would say Watchdog, sometimes I would

20 18:19:32 put -- yes.

21 18:19:36 Q How would you bill the client in such a

22 18:19:38 circumstance?

23 18:19:39 A I would bill them -- I would bill them

24 18:19:43 like I would bill any other client.

25 18:20:00 Q Did you ever receive any bill from IME

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1 S. Abdulrahim Gelardi

2 18:20:04 Watchdog for the help that Adam gave you?

3 18:20:08 A No.

4 18:20:11 Q How would he tell you how much to pay?

5 18:20:13 A We would calculate it at the end of the

6 18:20:15 month. They were a handful. It didn't take much

7 18:20:19 recording to know.

8 18:20:21 Q In essence, you relied on Adam and IME

9 18:20:24 Watchdog to provide you with the labor you needed to

10 18:20:26 perform services, correct?

11 18:20:27 A No, I did not rely on Adam. I relied on

12 18:20:30 the independent contractors that -- from Watchdog.

13 18:20:37 Q How did you record the payments you made

14 18:20:40 to Adam on tax returns?

15 18:20:44 A How did I record the payments I made to

16 18:20:48 Adam on my tax returns?

17 18:20:50 Q Yes.

18 18:20:53 A I wouldn't. I would record them as an

19 18:20:57 expense to my company, the services that I paid.

20 18:21:01 MR. KATAEV: We are going to call for the

21 18:21:04 production for all ads paid for hiring and/or

22 18:21:08 engaging Companions.

23 18:21:21 (Counsel Request.)

24 18:21:21 BY MR. KATAEV:

25 18:21:23 Q You said that you would sort of reconcile

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1 S. Abdulrahim Gelardi

2 18:21:31 with Adam on a monthly basis, but isn't it true that
3 18:21:34 you would be unable to send a bill to your client
4 18:21:39 until you knew what to charge for?

5 18:21:41 A No. We would always know when the exam is
6 18:21:44 done. I would always know when the exam was done
7 18:21:48 and my client and the Watchdog parted and it's
8 18:21:51 simple enough.

9 18:22:17 Q I want to go to the third-from-last page.
10 18:22:27 It has the date January 26, 2022 on it.

11 18:22:34 A Okay.

12 18:22:40 Q On January 26, 2022, you paid Adam \$500,
13 18:22:45 correct?

14 18:22:46 A Correct.

15 18:22:47 Q It's your testimony today that this was
16 18:22:51 for using IME interpreters and sometimes Gabby --
17 18:22:54 well, no, just for IME interpreters, correct?

18 18:22:57 A And sometimes Gabby.

19 18:22:59 Q Didn't you testify that you paid Gabby
20 18:23:01 directly?

21 18:23:02 A Yes, I'm so sorry. I apologize, that is
22 18:23:05 true.

23 18:23:09 MR. KATAEV: Let's mark this as 27.

24 18:23:10 (Plaintiff's Exhibit 27, Marked for Identification.)

25 18:23:16 MR. WARNER: At this time -- I think the

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1 S. Abdulrahim Gelardi

2 18:23:16 time is 6:30. My clients have childcare
3 18:23:22 responsibilities and they really have to be
4 18:23:23 leaving. It's 6:23. Maybe we could do a
5 18:23:27 ten o'clock start tomorrow with Ms. Gelardi.

6 18:23:30 MR. KATAEV: Let's go for seven more
7 18:23:30 minutes. We will stop at 6:30 and figure out
8 18:23:33 the logistics.

9 18:23:43 Let's do this as 27.

10 18:23:51 BY MR. KATAEV:

11 18:23:52 Q I have handed to you Plaintiff's
12 18:24:32 Exhibit 27, which I will represent to you is an
13 18:24:36 email from Adam to IME Companions dated January 27,
14 18:24:40 2022 at 10:00 a.m.; you see that?

15 18:24:44 A Yes.

16 18:24:45 Q The subject of the email is, Case law,
17 18:24:49 correct, but the message is blank except for Adam's
18 18:24:55 signature, correct?

19 18:24:57 A Yes.

20 18:24:58 Q If you go to the next page, and I still
21 18:25:06 want you to have this open with the Zelle payments.
22 18:25:09 The email that you're forwarding says that it's from
23 18:25:20 IME Companions to a Linda Hershfield at Perecman,
24 18:25:25 P-e-r-e-c-m-a-n, and Adam is copied on that email,
25 18:25:31 correct?

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1 S. Abdulrahim Gelardi

2 18:25:33 A There is some confusion here. Hold on.

3 18:25:36 This is from Adam to me.

4 18:25:38 Q Correct.

5 18:25:39 A Then this one is from me to Linda.

6 18:25:43 Q Correct.

7 18:25:44 A And Adam, correct?

8 18:25:45 Q That's right.

9 18:25:46 A Okay, yes.

10 18:25:49 Q The date of that email is January 24,

11 18:25:51 2022, correct?

12 18:25:54 A Correct.

13 18:25:55 Q In this email, you state the email says
14 18:25:59 it's from you, right?

15 18:26:00 A Correct.

16 18:26:02 Q Dear Linda, IME Companions only
17 18:26:03 represented the client in November. Please see
18 18:26:06 attached report. Please feel free to contact me
19 18:26:10 directly should you need anything else, correct?

20 18:26:13 A Correct.

21 18:26:14 Q Going down to the earlier email from
22 18:26:16 earlier in the day just a couple of hours prior,
23 18:26:19 Linda sends an email to Adam and she says, Dear
24 18:26:23 Adam, please provide us with reports from the
25 18:26:26 following IME exams for the above case, and she

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1 S. Abdulrahim Gelardi

2 18:26:29 lists four different plaintiffs with four different
3 18:26:33 dates, correct?

4 18:26:34 A Correct.

5 18:26:41 Q All the way at the end of this there are
6 18:26:43 six attachments, correct?

7 18:26:45 A Correct.

8 18:26:47 Q Two of them contain court decisions. One
9 18:26:51 of them is a decision denying IME Watchdog notes,
10 18:26:54 right?

11 18:26:55 A Yes.

12 18:26:55 Q And another one is the Markel decision
13 18:26:58 from the First Department regarding an appeal,
14 18:27:00 correct?

15 18:27:01 A Correct.

16 18:27:02 Q There is also a letter, a sample motion to
17 18:27:06 quash, a notice of rejection, and a letter
18 18:27:09 concerning work product, correct?

19 18:27:11 A Correct.

20 18:27:13 Q Adam sent you those six attachments in the
21 18:27:16 original latest email on January 27th, correct?

22 18:27:22 A I think that's wrong. I think that's
23 18:27:25 wrong. There is something wrong here. This was
24 18:27:28 never sent to me in January. There is something
25 18:27:31 wrong here.

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1 S. Abdulrahim Gelardi

2 18:27:32 Q Would there be any reason for you or Adam
3 18:27:36 to have those six attachments in an email to Linda
4 18:27:38 Hershfield at Perecman?

5 18:27:39 A Yes, I would like to explain this to you
6 18:27:41 because obviously you don't understand it. I want
7 18:27:44 to make it clear to you.

8 18:27:45 Q Sure, go ahead.

9 18:27:46 A Linda emailed both of us because she was
10 18:27:50 requesting from both sides. I sent in my side and
11 18:27:56 left it alone. Nothing else had anything to do with
12 18:27:59 me. I clearly said to her, We only covered you in
13 18:28:03 November and here is the attached report. Nothing
14 18:28:06 else pertains to me in this email.

15 18:28:10 Q The subject of both prior emails from
16 18:28:14 Linda to you and Adam, and you to Linda and Adam is
17 18:28:19 Gregors Vergowski versus 50 Court Street Associates,
18 18:28:22 correct?

19 18:28:23 A Correct.

20 18:28:23 Q But the subject of the email that Adam
21 18:28:25 sent is, Case law, correct?

22 18:28:27 A Yes.

23 18:28:28 Q The attachments, the six of them are the
24 18:28:32 case law, correct?

25 18:28:34 A I have no idea. I'm explaining to you

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1 S. Abdulrahim Gelardi

2 18:28:37 that I don't understand this email thread but I do

3 18:28:40 recall the Linda email. So something got

4 18:28:44 discombobulated here.

5 18:28:46 Linda clearly asks the both of us,

6 18:28:49 Send us these reports because they use both

7 18:28:53 companies. I replied, I only covered you in

8 18:28:56 November, please see attached report and if you need

9 18:28:59 anything from us, please you can reach out to me

10 18:29:02 directly.

11 18:29:03 Q Are you denying that Adam sent you the

12 18:29:05 case law on January 27, 2022?

13 18:29:10 A I'm just telling you, I don't understand

14 18:29:11 this email and what Linda would have to do with case

15 18:29:14 law.

16 18:29:16 Q You're saying there is no connection

17 18:29:17 between the January 27th email with the case law and

18 18:29:20 the payment one day prior of \$500, correct?

19 18:29:23 A 100 percent, yes.

20 18:29:24 MR. KATAEV: We will go through two more

21 18:29:27 exhibits and we will stop. This is 28.

22 18:29:31 (Plaintiff's Exhibit 28, Marked for Identification.)

23 18:29:46 BY MR. KATAEV:

24 18:29:49 Q This exhibit is a test message exchange

25 18:29:51 between yourself and Carlos Roa; do you recognize

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1 S. Abdulrahim Gelardi

2 18:29:54 it?

3 18:29:55 A Yes.

4 18:29:57 Q In this test message exchange, you write

5 18:30:01 to Carlos, Call Carmen from Alan Ripka. They're

6 18:30:05 complaining about paying with credit card. They are

7 18:30:08 good for a few a week. 25 a month, they are

8 18:30:12 vulnerable; do you see that?

9 18:30:13 A Yes.

10 18:30:13 Q And Carlos responds to you, What did

11 18:30:16 Watchdog charge them? What would be the lowest we

12 18:30:20 do, right?

13 18:30:21 A Uh-huh.

14 18:30:23 Q Is that a yes?

15 18:30:24 A Yes.

16 18:30:24 Q You respond, They were paying full price.

17 18:30:26 Give them \$10 off the first IME if needed, right?

18 18:30:32 A Yes.

19 18:30:32 MR. KATAEV: Let's mark this as 29.

20 18:30:34 (Plaintiff's Exhibit 29, Marked for Identification.)

21 18:30:35 BY MR. KATAEV:

22 18:31:03 Q I will represent to you that Plaintiff's

23 18:31:06 Exhibit 29 is an email from Companions to Carlos

24 18:31:09 with a copy to crojas@alanripka.com. Do you

25 18:31:14 recognize this document?

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1 S. Abdulrahim Gelardi

2 18:31:15 A Yes.

3 18:31:17 Q Crojas@alanripka is an individual named

4 18:31:19 Cookie, correct?

5 18:31:21 A Correct.

6 18:31:22 Q Cookie is a person responsible for

7 18:31:25 scheduling IMEs at Alan Ripka's office, correct?

8 18:31:29 A I think she was the office manager at the

9 18:31:30 time.

10 18:31:34 Q In the text message exchange that you had

11 18:31:37 with Carlos, how do you know that Alan Ripka was

12 18:31:40 complaining too much about paying with a credit

13 18:31:43 card?

14 18:31:48 A I don't recall how I know.

15 18:31:51 Q You stated in the message to Carlos that

16 18:31:53 they are vulnerable. Why did you say that?

17 18:32:02 A I don't remember 100 percent, but Carlos

18 18:32:06 was also acting upon himself to obtain business as

19 18:32:11 well.

20 18:32:15 Q You said they were paying full price. How

21 18:32:18 do you know that?

22 18:32:19 A Perhaps I called the office and found out.

23 18:32:22 Q Are you saying that's what happened or --

24 18:32:25 A I'm saying I don't recall, but there is

25 18:32:26 many ways of finding out what a client pays.

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1 S. Abdulrahim Gelardi

2 18:32:29 Q Isn't it true that Adam gave you this
3 18:32:32 information?

4 18:32:32 A No. As a matter of fact, Carlos and I
5 18:32:35 went into Ripka's office together.

6 18:32:39 Q After Adam provided you this information?

7 18:32:41 A No.

8 18:32:41 Q Do you know the date of these text
9 18:32:44 messages?

10 18:32:45 A I don't. I do want to also remind you
11 18:32:54 that Carlos was very hungry and was pursuing getting
12 18:32:58 a lot of business himself on his own for the
13 18:33:02 company.

14 18:33:03 Q Did Carlos have any interaction with Adam
15 18:33:06 during this time?

16 18:33:07 A I don't believe.

17 18:33:08 Q That's because you kept the existence of
18 18:33:11 Adam unknown to everyone, correct?

19 18:33:14 A No.

20 18:33:15 Q You are the individual who pointed Carlos
21 18:33:20 in the direction of Alan Ripka, correct?

22 18:33:22 A I don't recall.

23 18:33:23 Q Carlos emailed Ripka and Cookie at Ripka
24 18:33:26 on July 23rd, 2019 after you learned of this
25 18:33:30 information from Adam, correct?

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1 S. Abdulrahim Gelardi

2 18:33:33 A It's possible. I don't recall. I don't

3 18:33:36 recall Adam ever giving me information on Alan

4 18:33:39 Ripka. I just don't recall.

5 18:33:42 Q If you look at the text message on the

6 18:33:44 bottom it says, July 22, 2019, correct?

7 18:33:47 A Correct.

8 18:33:47 Q That means these messages that we reviewed

9 18:33:51 occurred on or before July 22, 2019 at 3:08 p.m,

10 18:33:58 correct?

11 18:34:00 A Yes.

12 18:34:00 Q This email followed the next day, correct?

13 18:34:04 A Correct.

14 18:34:05 MR. KATAEV: I'm fine with stopping here.

15 18:34:06 Let's go off the record and discuss logistics.

16 18:34:39 THE VIDEOGRAPHER: The time is 6:34 p.m.

17 18:34:40 We are going all the record.

18 18:34:44 (Whereupon, an off-the-record discussion was held.)

19 18:38:56 THE VIDEOGRAPHER: This concludes the

20 18:38:57 video deposition of Safa Abdulrahim Gelardi.

21 18:39:00 The time is approximately 6:39 p.m. We are off

22 18:39:05 the record.

23 18:39:06

24 18:39:08 (Time noted: 6:39 p.m.)

25 18:39:08

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S. Abdulrahim Gelardi

18:39:08

18:39:08

18:39:08

SAFA ABDULRAHIM GELARDI

18:39:08

18:39:08

Subscribed and sworn to before me this ____ day

18:39:08

of _____ 2023.

18:39:08

_____, Notary Public.

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1		S. Abdulrahim Gelardi	
2	18:39:08	I N D E X	
3	18:39:08		
4	18:39:08	WITNESS	
5	18:39:08	SAFA ABDULRAHIM GELARDI	
6	18:39:08		
7	18:39:08	EXAMINATION BY	PAGE
8	18:39:08	MR. KATAEV	19
9	18:39:08		
10	18:39:08	COUNSEL REQUESTS	PAGE
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12	18:39:08	Emails	190
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13	18:39:08	Companions email list	196
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14	18:39:08	Emails/Texts with Lumina	216
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15	18:39:08	Companion ads	242
16	18:39:08		
17	18:39:08	E X H I B I T S	
18	18:39:08		
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19	18:39:08		PAGE
20	18:39:08	Exhibit 1	Silver Shield 27
			Services
21	18:39:08	Exhibit 2	Affidavit of Ronald 47
			Rosenblatt
22	18:39:08	Exhibit 3	Sample report 81
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23	18:39:08		Report
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24	18:39:08	Exhibit 6	Email 6/28/17 146
		Exhibit 7	Profit & Loss 148
25	18:39:08	Exhibit 8	Dept. of State 152
			documents
			documents

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1		S. Abdulrahim Gelardi	
2	18:39:08	E X H I B I T S (Continued)	
3	18:39:08		
4	18:39:08	PLAINTIFF'S	DESCRIPTION PAGE
5	18:39:08	Exhibit 9	Certificate of Incorporation 155
6	18:39:08	Exhibit 10	V&S Holdings document 156
7	18:39:08	Exhibit 11	Email 4/29/17] 157
8	18:39:08	Exhibit 12	Sterling Bank, January 2017 159
9	18:39:08	Exhibit 13	IME Watchdog P&L 162
10	18:39:08	Exhibit 14	IME Watchdog 2016 breakdown 162
11	18:39:08	Exhibit 15	IME Watchdog Clients 166
12	18:39:08	Exhibit 16	IME Watchdog P&L 169
13	18:39:08	Exhibit 17	Questionnaire 170
14	18:39:08	Exhibit 18	Attorney List 184
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17	18:39:08	Exhibit 21	Sales by Client 204
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21	18:39:08	Exhibit 25	Website Concept 215
22	18:39:08	Exhibit 26	Proposal 224
23	18:39:08	Exhibit 27	Zelle payments 243
24	18:39:08	Exhibit 28	Case Law 248
25	18:39:08	Exhibit 29	Text messages 248
	18:39:08		Email Companions to Carlos 249
	18:39:08		
	16:25:32	Attorney Kataev has retained all exhibits.	

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2 16:25:32

C E R T I F I C A T I O N

3 16:25:32

4 16:25:32

I, RUTHAYN SHALOM, a Court Reporter

5 16:25:32

and Notary Public within and for the State

6 16:25:32

of New York, do hereby certify:

7 16:25:32

That the witness whose deposition

8 16:25:32

is hereinbefore set forth, was duly sworn

9 16:25:32

by me, and that the within transcript is a

10 16:25:32

true record of the testimony given by such

11 16:25:32

witness.

12 16:25:32

I further certify that I am not

13 16:25:32

related to any of the parties to this action

14 16:25:32

by blood or marriage, and that I am in no way

15 16:25:32

interested in the outcome of this matter.

16 16:25:32

IN WITNESS WHEREOF, I have hereunto

17 16:25:32

set my hand this 13th day of February, 2023.

18 16:25:32

19 16:25:32

20 16:25:32



21 16:25:32

RUTHAYN SHALOM

22

23

24

25

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2 16:25:32

ERRATA SHEET

3 16:25:32

4 16:25:32

NAME OF CASE: IME WATCHDOG v GELARDI et al.

DATE OF DEPOSITION: February 2, 2023

5 16:25:32

NAME OF DEPONENT: Safa Abdulrahim Gelardi

PAGE	LINE (S)	CHANGE	REASON
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6 16:25:32

____	/ ____	/ ____	/ ____
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7 16:25:32

____	/ ____	/ ____	/ ____
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8 16:25:32

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9 16:25:32

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10 16:25:32

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11 16:25:32

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12 16:25:32

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13 16:25:32

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14 16:25:32

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15 16:25:32

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17 16:25:32

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18 16:25:32

SAFA ABDULRAHIM GELARDI

19 16:25:32

Subscribed and sworn to before me

20 16:25:32

this ____ day of _____, 2023

21 16:25:32

_____, Notary Public.

22 16:25:32

23 16:25:32

MY COMMISSION EXPIRES:

24 16:25:32

25

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